Defining Heresy

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Defining Heresy

Inquisition, Theology, and Papal Policy in the Time of Jacques Fournier

By

Irene Bueno

Translated from Italian by

Isabella Bolognese, Tony Brophy and Sarah Rolfe Prodan

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To Daniela

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List of Abbreviations

BF	Eubel, Conrad, (ed.) *Bullarium franciscanum: Sive romanorum pontificum constitutiones, epistolae, diplomata tribus ordinibus Minorum, Clarissarum, Poenitentium . . . a sancto Francisco institutis ab eorum originibus ad nostra usque tempora concessa*, vol. 6. Rome: Typis Vaticanis, 1902.
Bullaire	Vidal, Jean-Marie, (ed.) *Bullaire de l'Inquisition française au XIV^e siècle et jusqu'à la fin du grand schisme*. Paris: Letouzey et Ané, 1913.
Communes	Vidal, Jean-Marie, (ed.) *Benoît XII, 1334–1342. Lettres communes analysées d'après les registres dits d'Avignon et du Vatican*, 3 vols. Paris: A. Fontemoing, 1902–11.
Daumet	Daumet, Georges, (ed.) *Benoît XII* (*1334–1342*). *Lettres closes, patentes et curiales se rapportant à la France, publiées ou analysées d'après les registres du Vatican*, 3 vols. Paris: Privat, 2003.
GdA	Pales-Gobilliard, Annette, (ed. and trans.) *L'inquisiteur Geoffroy d'Ablis et les cathares du comté de Foix* (*1308–1309*). Paris: CNRS, 1984.
HGL	Devic, Claude and Joseph Vaissette, (eds.) *Histoire générale de Languedoc*, 16 vols. Paris: Privat, 2003–6.
JF	Duvernoy, Jean, (ed.) *Le Registre d'Inquisition de Jacques Fournier, évêque de Pamiers* (*1318–1325*), 3 vols. Toulouse: Privat, 1965.
Mollat-Vidal	Vidal, Jean-Marie and Guillaume Mollat, (eds.) *Benoît XII* (*1334–1342*). *Lettres closes et patentes intéressant les pays autres que la France*, 2 vols. Paris: A. Fontemoing, 1913–50.
PL	Migne, Jacques-Paul, (ed.) *Patrologiae cursus completus. Series latina*. Paris: Garnier Frères, 1844–80.
Riezler	Riezler, Sigmund von, (ed.) *Vatikanische Akten zur deutschen Geschichte in der Zeit Kaiser Ludwigs des Bayern*. Aalen: Scientia-Verl., 1891, rpt. 1973.
Tăutu	Tăutu, Aloysius, (ed.) *Acta Benedicti XII* (*1334–1342*), vol. 8. Rome: Typis Poliglottis Vaticanis, 1968.

Introduction

"This Supreme Pontiff was one of the greatest zealots of the faith and in each phase of his career he was an ardent conqueror and a harsh persecutor of heretics."[1] With these words, the anonymous author of Benedict XII's first biography furnishes a quasi-hagiographic portrait of the pope who passed away in Avignon on 25 April 1342.[2] Jacques Fournier was born in Saverdun, in Ariège, around 1285. With the support of his uncle Arnaud Novel—doctor of law, Cistercian abbot of Fontfroide (Narbonne) and influential cardinal—he rapidly pursued a brilliant ecclesiastical career. The biographer, who lived between the area of Toulouse and the Avignonese curia in the second half of the fourteenth century, briefly retraces the *cursus honorum* of his fellow countryman. Fournier became a Cistercian monk at Boulbonne and, when his uncle joined the papal curia in 1310, succeeded him as abbot of Fontfroide. In the following years he engaged in theological studies at the Cistercian Collège Saint-Bernard in Paris, obtaining the degree of *magister* in 1313–14. The ground was ready for the Cistercian monk to rapidly assume important duties, first as bishop of Pamiers (1317) and then of Mirepoix (1326). It was during this period that he undertook rigorous campaigns against heretics, in collaboration with the inquisitor of Carcassonne. Once again following in his uncle's footsteps, in 1327 he was made cardinal of Saint Prisca, and eventually ascended the papal throne toward the end of 1334.[3] Benedict XII remained at the head of the Church for "seven years, four months and fifteen days," according to

1 "Hic summus Pontifex fuit maximus zelator fidei, ac in omni statu suo fervidus haereticorum expugnator et rigidus persecutor," *Vita prima*, Étienne Baluze, *Vitae paparum avenionensium hoc est historia pontificum Romanorum qui in Gallia sederunt ab anno Christi 1305 usque ad annum 1394*, (ed.) Guillaume Mollat (Paris: Letouzey et Ané, 1916), 1: 209. For the other *vitae* of Jacques Fournier, see ibid., 1: 197–244, 796–829.

2 Guillaume Mollat, *Étude critique sur les "Vitae paparum avenionensium" d'Étienne Baluze* (Paris: Letouzey et Ané, 1917), 58–82.

3 On Jacques Fournier's biography and work see L. Jadin, "Benoît XII," *Dictionnaire d'Histoire et de Géographie Ecclésiastiques* (Paris: Letouzey et Ané, 1935), 8: 116–35; Bernard Guillemain, "Benedetto XII," in *Dizionario biografico degli italiani* (Rome: Istituto della Enciclopedia italiana, 1966), 8: 378–84; X. Le Bachelet, "Benoît XII," in *Dictionnaire de théologie catholique* (Paris: Letouzey et Ané, 1903–50), 11: 653–704; Paul Fournier, "Jacques Fournier," in *Histoire littéraire de la France* (Paris: Paris: Imprimerie Nationale, 1938) 37: 174–209; Robert Lerner, "A Note on the University Career of Jacques Fournier," *Analecta cistercensia* 30 (1974): 66–9; Jean-Marie Vidal, "Notice sur les œuvres du pape Benoît XII," *Revue d'Histoire Ecclésiastique* 6 (1905): 564–5.

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Anonymous' calculations. The biographer then dwells on the salient moments of his pontificate, eventually calling on his own oratorical abilities to fully extol the Cistercian's moral qualities. Fournier appears as a model of virtue, a champion of wisdom and constancy, of rigidity and inflexibility, entirely dedicated to things of God, but at the same time, as a first-rate administrator of earthly ones. In the end, Anonymous widens his gaze to include Benedict XII's exemplary role in the history of the Church. Fournier had no equals among the pontiffs who bore his name, and he was one of the greatest Christian figures after the martyrs and the saints: "And thus he was Benedict in name and in fact," the biographer concluded, drawing on an easy wordplay—he was blessed by God (*benedictus*) and spoken well of (*bene dictus*) by all of his contemporaries.[4]

In evoking the merits of the Cistercian pope, the anonymous writer does not neglect to mention the anti-heresy commitment that characterized every phase of his career (*in omni suo statu*). Immediately after recalling this engagement, the author remarks that a "good and holy inspiration" was the guide of every one of Fournier's actions.[5] Moral virtues and the fight against heterodoxy interpenetrate perfectly in the representation of a man who appears as one of the greatest rulers the Church had ever had. This is certainly no cause for surprise: religious exclusion and defence of the moral order often intersect in the process of the self-representation of the medieval Church and its hierarchy. If the fight against heretics was an integral part of every Churchman's duties, it was precisely this fact that made Jacques Fournier famous to posterity: due to an unbalanced reading of his sources, he became especially renowned as the zealous inquisitor of Montaillou. Yet, as his biographer underscored, Fournier's anti-heresy commitment had to accompany his entire career: as bishop-inquisitor, as cardinal and theologian of the curia, and finally, as pope at Avignon, he devised and put into practice his own very diverse systems aimed at delimiting the margins of heterodoxy, at identifying religious dissent, and at organizing its repression. Centered on the figure of Jacques Fournier, this book investigates the multiplicity of methods, discourses, and textual practices mobilized to redraw the borders between orthodoxy and heresy at the end of the Middle Ages.

The impact of a wide scholarly debate around the orthodoxy/heterodoxy pair has prepared the theoretical ground for this research. Many recent studies have indicated a change in orientation that has led to questioning the very

4 "Sicque fuit re et nomine Benedictus, benedictus inquam a deo et benedictus, hoc est, bene nominatus et reputatus a mundo, cum fere omnes, saltem boni, qui in mundo erant de ipso bene dicerent et aestimarent, et merito," Baluze, *Vitae paparum*, 1: 208.

5 "Fuit insuper bone, ymo et sancte intentionis in omnibus factis suis," ibid., 1: 206.

notion of 'heresy.' Awareness of the relativity of such a concept is certainly not new. In 1961, Herbert Grundmann had already pointed out the many similarities between heretical groups and religious movements which had been approved by the Church, as they all shared the same aim of imitating the apostolic model.[6] In 1966, Carlo Ginzburg showed himself to be very conscious of how inquisitorial documents were the site of pressures, manipulations and conditionings, such as those that determined the transformation of the Benandanti into witches and sorcerers.[7] In the early 1970s, Robert Lerner brought forward evidence for the invention of the Free Spirit heresy, while Grado Merlo identified the machinery of propaganda and the search for consensus implicit in the records of the Piedmontese inquisition.[8] In the last thirty years, however, historiography has turned to problematizing these concepts anew. The focus has progressively moved away from the study of heresy per se, understood in all of its religious, social, and anthropological aspects, and toward the reasoning that undergirds the production of an orthodox discourse on heresy.[9] In other words, the accent has shifted to the meaning and to the role that experiences classified as 'heretical' possessed in the eyes of the Church, regardless of their real or fictitious importance.

Along these lines, R.I. Moore's paradigm of a 'persecuting society,' first formulated in 1987, laid the foundation for much deconstructionist scholarship of medieval heresy.[10] According to this challenging thesis, violence against groups that were deemed to be dangerous became a fundamental feature of Western society in the post-Gregorian age. The emergence of an institutionalized and socially sanctioned persecution had more to do with the Church's own developments than the actual composition of marginalized groups: indeed, "what

6 Herbert Grundmann, *Religiöse Bewegungen im Mittelalter; Untersuchungen über die geschichtlichen Zusammenhänge zwischen der Ketzerei, den Bettelorden und der religiösen Frauenbewegung im 12. und 13. Jahrhundert, und über die geschichtlichen Grundlagen der deutschen Mystik* (Hildesheim, G. Olms, 1961) [repr. as *Religious Movements in the Middle Ages: The Historical Links between Heresy, the Mendicant Orders, and the Women's Religious Movement in the Twelfth and Thirteenth Century, with the Historical Foundations of German Mysticism* (Notre Dame: University of Notre Dame Press, 1995)].

7 Carlo Ginzburg, *I Benandanti* (Turin: Einaudi, 1966).

8 Robert E. Lerner, *The Heresy of the Free Spirit in the Later Middle Ages* (Berkeley: University of California Press, 1972); Grado Giovanni Merlo, *Eretici e inquisitori nella società piemontese de Trecento* (Turin: Claudiana, 1977).

9 One of the first collective volumes is *The concept of Heresy in the Middle Ages (11th–13th C.)*, (ed.) W. Lourdaux and D. Verhelst (Leuven: Leuven University Press, 1983).

10 R.I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe, 950–1250* (Oxford: Blackwell, 1987; 2nd ed. Malden, MA: Blackwell, 2007).

heretics, lepers, and Jews had in common is that they were all victims of a zeal for persecution, which seized European society at this time."[11] In this context, obedience and conformity became the usual tests for orthodoxy and the fundamental landmarks between inclusion and exclusion. Heresy and heretics thus gradually ceased being the principal subjects of research about religious persecution, as scholarly attention has increasingly come to focus—with different sources and results—on the exclusionary logic of the 'persecuting society.' Following Moore, Dominique Iogna-Prat has, for example, explored the dynamics of religious exclusion with a microhistorical take: his focus is Cluny, which he regards as a representative example of a much wider "logic of Christendom" created by the Gregorian reform. Persecution appears again as a structural necessity of Christian society in the central Middle Ages: whether directed at heretics, Jews, or Muslims, it was aimed at the exclusion of all those who doubted the Church's exclusive hegemony.[12]

Thus, the fluid and open nature of the concept of 'heresy,' which possesses ever-diverse meanings, is now an established fact. The notion refers to fluctuating variables, which cannot be understood without being placed in relation to an equivalent that is every bit as muddled: 'orthodoxy,' with its doctrinal apparatus, with its men and its institutions, and with its demands for unity, for cohesion and for uniformity.[13] This acquisition has led to many fields of investigation: inquisitorial law, practice and culture;[14] the relationship between

11 Ibid., 67.

12 Dominique Iogna-Prat, *Ordonner et exclure: Cluny et la société chrétienne face à l'hérésie, au judaïsme et à l'Islam, 1000–1150* (Paris: Aubier, 1998).

13 Jacques Chiffoleau, "Vie et mort de l'hérésie en Provence et dans la vallée du Rhône du début du XIII^e siècle au début du XIV^e siècle," in *Effacement du catharisme? (XIII^e–XIV^e siècle)*, Cahiers de Fanjeaux 20 (Toulouse: Privat, 1985), 73–99; Uwe Brunn, *Des contestataires aux 'cathares:' Discours de réforme et propagande antihérétique dans les pays du Rhin et de la Meuse avant l'Inquisition* (Paris: Institut d'études augustiniennes, 2006).

14 Jacques Chiffoleau, "Avouer l'inavouable. L'aveu et la procédure inquisitoire," in *L'aveu, histoire, sociologie, philosophie*, (ed.) Renaud Dulong (Paris: Presses Universitaires de France, 2001), 57–97; Mark Gregory Pegg, *The Corruption of Angels: The Great Inquisition of 1245–1246* (Princeton: Princeton University Press, 2001); James Given, *Inquisition and Medieval Society: Power, Discipline and Resistance in Languedoc* (London: Cornell University Press, 2001); John H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia: University of Pennsylvania Press, 2001); Julien Théry, "L'hérésie des bons hommes (XII^e–début du XIV^e siècle). Comment nommer la dissidence religieuse non vaudoise ni béguine en Languedoc?," *Heresis* 36–37 (2002): 75–117; Id., "*Fama*: l'opinion publique comme preuve judiciaire. Aperçu sur la révolution médiévale de l'inquisitoire (XII^e–XIV^e siècle)," in *La preuve en justice de l'Antiquité à nos jours*, ed. Bruno Lemesle (Rennes: Presses Universitaires de Rennes, 2003), 119–47;

authority, textuality, and repression;[15] iconographical representations of heresy.[16] Though these studies move away from a confident positivism, they oscillate variably between criticism of sources and radical deconstructionism, between hopeful searching for the voice of the accused beyond the inquisitorial filters and the idea that a veritable 'invention' of heresy was underway.[17] Such is the fundamental input of the collective volume *Inventer l'hérésie?*, the aim of which is to detect "the importance of ecclesiastical strategies" in the "doctrinal and historiographical construction of heresy."[18]

These studies have produced two major results: new textual critical approaches to the primary sources and the idea that the defenders of Roman orthodoxy constitute a valuable object of study. This shift of emphasis, so to speak, from heretics to their persecutors has contributed to redressing an unbalanced relation that risked misunderstanding the former in neglecting the latter.[19] Nevertheless, too often the orthodoxy/heterodoxy pair has led to that of the judge/heretic, and its understanding has been constrained by the bounds of a strictly inquisitorial documentation. But the tribunal of the inquisition is only one of many contexts in which the repression of religious dissent finds a space. The fight against heretics avails itself of different juridical, theological, and political instruments that interpenetrate and that cannot be fully

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Lorenzo Paolini, "Il modello italiano nella manualistica inquisitoriale (XIII–XIV secolo)," in *L'inquisizione*, (ed.) Agostino Borromeo (Vatican City: Biblioteca Apostolica Vaticana, 2003), 95–118; Marina Benedetti, *Inquisitori lombardi del Duecento* (Rome: Edizioni di Storia e Letteratura, 2008); Christine Caldwell Ames, *Righteous Persecution. Inquisition, Dominicans, and Christianity in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2009); *Explicatio super officio inquisitionis. Origini e sviluppi della manualistica inquisitoriale tra Due e Trecento*, (ed.) Riccardo Parmeggiani (Rome: Edizioni di Storia e Letteratura, 2012).

15 *Texts and the Repression of Medieval Heresy*, (ed.) Caterina Bruschi and Peter Biller (York: York University Press, 2003), 63–80. See also *Heresy and Literacy, 1000–1530*, (ed.) Peter Biller and Anne Hudson (Cambridge: Cambridge University Press, 1994); L.J. Sackville, *Heresy and Heretics in the Thirteenth Century: The Textual Representations* (Woodbridge: York Medieval Press, 2011).

16 Alessia Trivellone, *L'Hérétique imaginé: hétérodoxie et iconographie dans l'Occident médiéval, de l'époque Carolingienne à l'inquisition* (Turnhout: Brepols, 2009).

17 The early orientation is represented by Caterina Bruschi, *The Wandering Heretics of Languedoc* (Cambridge: Cambridge University Press, 2009); and at the other extreme, see *Inventer l'hérésie? Discours polémiques et pouvoirs avant l'inquisition*, (ed.) Monique Zerner (Nice: Centre d'études médiévales, 1998).

18 *Inventer l'hérésie?*, (ed.) Zerner, 7–8.

19 Grado Giovanni Merlo, *Inquisitori e Inquisizione del Medioevo* (Bologna: Il Mulino, 2008), 7–11.

understood without relating them to each other. Studies of religious exclusion at the end of the Middle Ages have yet to fully assimilate an integration of discourses of knowledge, legal practices, and self-representational requirements of the ecclesiastical institution and its leaders.

Instituted by the papacy, inquisitorial tribunals were inserted into the complex system of ecclesiastical and secular justices, which were often separated by blurred and indefinite jurisdictional boundaries.[20] Nor is inquisitorial action limited to a mere execution of legal duties. The judge possesses a culture as well as a personality that influences his conduct and his textual production. Bishop or inquisitor, he is also a preacher, confessor, shepherd of souls, theologian, and administrator. To understand the criteria that guide him in the process of identifying heretics one must therefore attempt to penetrate his intellectual universe. Reflection on heresy does enter into the same binaries that guide the inquisitorial interrogation, even if it does so with aspirations of broader reach. Who are heretics? Why do they exist? How is one to recognize them? The answers to such questions are sought in Scripture, and in elaborating theoretical devices that support criteria for the representation of heretics, and even methods for their repression. After the post-Gregorian era and after the papal monarchy had reached its zenith, such developments assume a new meaning in relation to the Church of the Avignonese period—an institution that necessitated a strong theological-political support for its own legitimization. Deliberation on ideas and practices driven to the margins of orthodoxy played a particularly important role during the pontificate of John XXII, when the accusation of heresy was used in unscrupulous ways, and when theologians and canonists were mobilized to support the papal monarchy and to defend the fullness of the pope's powers. Jacques Fournier's career and writings unite these diverse contexts in an evident connection, permitting us to retrace the intersection of learned discourses, logics of legitimization, and practices for the repression of religious dissent in the Avignonese period through the trajectory of one individual that culminated in his leadership of the Church.

The diverse aspects of Jacques Fournier's anti-heresy commitment have not yet been placed in relation to each other. His writings have not in fact escaped the current imbalance in scholarship, which has largely privileged the inquisitorial dimension of the fight against heretics. Transcripts of his inquiries in

20 The pluralism of medieval ecclesiastical justice has attracted increasing attention. After the fundamental work by Paolo Prodi, *Una storia della giustizia. Dal pluralismo dei fori al moderno dualismo tra coscienza e diritto* (Bologna: Il Mulino, 2000), see also *Les justices d'Église dans le Midi* (*XI^e–XV^e siècle*), Cahiers de Fanjeaux 42 (Toulouse: Privat, 2007).

the diocese of Pamiers have thus been the subject of numerous studies.[21] The extraordinary interest they hold for anthropology and for religious and social history has met with the growing awareness by scholars, since the 1970s, of the social fabric of the lower classes, of their mindset, and of their world of relations.[22] Even if Emmanuel Le Roy Ladurie's 'total history' project received a fair amount of criticism,[23] his celebrated *Montaillou* was widely stimulating: proceeding from the assumption that Fournier was inspired by the ideal of a search for "the *truth* of facts," and that confessions by the accused portrayed the Occitan village "in itself," Le Roy Ladurie had identified in the Pamiers documents fertile ground for exploring the indissoluble weaving of heresies and society.[24]

Historiography has largely neglected, but not entirely ignored, the other figure involved in the tribunal of Pamiers: the bishop Fournier. In 1906, the abbot Vidal provided a precise and almost reverent reconstruction of the "austere, zealous and just" inquisitor: within an essentially apologetic framework, indifference toward the heretical dimension drove him to completely level

21 The transcripts of Pamiers (Vatican City, Biblioteca Apostolica Vaticana, Vat. lat. 4030) were edited by Jean Duvernoy, *Le Registre d'Inquisition de Jacques Fournier, évêque de Pamiers (1318–1325)* (Toulouse: Privat, 1965).

22 See Emmanuel Le Roy Ladurie, *Montaillou, village occitan: de 1294 à 1324* (Paris: Gallimard, 1975); Gabriel De Llobet, "Variété des croyances populaires au Comté de Foix au début du XIVe siècle d'après les enquêtes de J. Fournier," in *La réligion populaire en Languedoc du XIIIe siècle à la moitié du XIVe siècle*, Cahiers de Fanjeaux 11 (Toulouse: Privat, 1976), 109–26; Matthias Benad, *Domus und Religion in Montaillou: Katholische Kirche und Katharismus im Uberlebenskampf der Familie des Pfarres Petrus Clerici am Anfang des 14. Jahrhunderts* (Tübingen: Mohr, 1990); Anne Brenon, "Le Catharisme dans la famille en Languedoc au XIIIe et XIVe siècles d'après les sources inquisitoriales," *Heresis* 28 (1997): 39–62; Ead., *Les Femmes Cathares* (Paris: Perrin, 1992); Jean Pierre Albert, "Croire et ne pas croire. Les chemins de l'hétérodoxie dans le Registre d'Inquisition de Jacques Fournier," *Heresis* 39 (2003): 91–106.

23 Leonard E. Boyle, "Montaillou revisited: Mentalité and Methodology," in *Pathways in Medieval Peasants*, (ed.) J.A. Raftis (Toronto: Pontifical Institute of Medieval Studies, 1981), 119–40; David Herlihy's review in *Social History* 4 (1979): 517–20; Giuseppe Sergi, Giovanni Filoramo, Grado Giovanni Merlo, and Armando Petrucci, "Storia totale fra ricerca e divulgazione: il 'Montaillou' di Le Roy Ladurie," *Quaderni storici* 40 (1979): 205–27; Kathrin Utz Tremp, "Montaillou n'est pas une île: les derniers cathares, Pierre Clergue et Pierre Maury, devant leur juge," *Études des Lettres. Revue de la faculté des lettres de Lausanne* 4 (1992): 143–67; Natalie Zemon Davis "Les conteurs de Montaillou," *Annales E.S.C.* 34 (1979): 61–73; Benad, *Domus und religion*.

24 The reference is to *Héresies et sociétés dans l'Europe préindustrielle, 11e–18e siècles*, (ed.) Jacques Le Goff (Paris: La Haye, 1968).

the dialectic nature of the encounter between the judge and the accused.[25] The interpretive tendency activated in the 1970s was therefore diametrically opposed, though in some sense akin to, the one that had characterized early research on Fournier. It consisted of faithfully pursuing the mental world of the accused, neglecting the conditions of violence and constriction that lay beneath their accounts. There was in this sense a paradoxical symmetry between the austere inquisitor of Vidal and the humble mountain dwellers of Le Roy Ladurie.

Subsequent research, such as that of Given and Arnold, have re-examined Fournier's registers in light of a finer criticism of the sources. Given saw the inquisition as a principal centre for the exercise of power, indispensable for understanding political balances and the structures of late medieval society.[26] Supported by a reading of Michel Foucault, Arnold dwelt instead on the authority implicit in the production of inquisition documents. For the first time, Fournier's registers were submitted to a systematic deconstruction of the inquisitorial discourse.[27]

Contrary to the trials at Pamiers, Fournier's theological work and his papal regulations on heretics, schismatics, and infidels has attracted little attention. Both before and after his appointment as cardinal, Fournier was immersed in important debates that newly delimited the area of heresy. He become one of the pontiff's closest advisors in theological matters and was repeatedly involved in the evaluation of suspected doctrines. Moreover, Pope John XXII entrusted him with the examination of several heresy trials.[28] When he ascended the papal throne, Fournier had to tackle the specific weaving of papal centrality and the defence of orthodoxy that was destined to assume diverse forms in every angle of the Christian world. Yet, these aspects have been widely neglected, owing perhaps to the conviction that trial documents constituted a privileged means for the historical understanding of heretics and of inquisitors. As Benedict XII's biographer pointed out, ideas and regulations in the matter of heresy are traceable in each phase of his career. This does not mean that the Cistercian's overriding objective was the fight against heretics. More

25 Jean-Marie Vidal, *Le tribunal d'Inquisition à Pamiers* (Toulouse: Privat, 1906), 7. An analogous comment is made by Célestin Douais, *Documents pour servir à l'histoire de l'inquisition*, 1: cxi: "S'il fut un des hommes les plus saints et les plus honorables de son époque, n'est-on pas amené à penser que la poursuite juridique des hérétiques répondait à quelque besoin réel, à quelque idée de justice sociale."

26 Given, *Inquisition and Medieval Society*.

27 Arnold, *Inquisition and Power*.

28 P. Fournier, "Jacques Fournier," 181–2.

simply, many of his writings constitute a passkey to the ideas and practices of religious exclusion during his time. Biography here thus plays an instrumental role, as it were, becoming at once an analytical and a narrative unity. Fournier's path to leadership was both 'normal' and 'exceptional' for a man of the Church, and it usefully serves our main purpose of shedding light on the complexity of the fight against religious dissent in the first half of the fourteenth century.[29] This investigation will certainly not be exhaustive, but it will follow the lines indicated by the Cistercian's documents and by the wider cultural and documentary context in which they were produced.

Fournier's activity takes place at the intersection of important developments in fourteenth-century cultural and political history: renewal of learning and of culture at the papal court; search for new legitimization by the papacy transferred to Avignon; and a certain expansion of the semantic field of heresy. Only in the past few years, after a long period of historiographical silence, the Avignonese papacy has ceased to be considered as a moment of transition, a parenthesis in the history of the Church awaiting its return to Rome. Various recent studies have at last looked at the cultural and the politico-administrative history of the fourteenth-century papacy as an extremely productive time that experienced refined artistic developments, new models of self-representation, and modern administrative systems.[30] But additional doctrinal stiffening and new forms of religious exclusion accompanied the papacy's installation in the Provençal stronghold. These were forged in the milieu of the curia, often under the pontiff's initiative, and they were widely followed. John XXII's long reign

29 I borrow the famous oxymoron by Edoardo Grendi, "Microanalisi e storia sociale," *Quaderni storici* 35 (1977): 506–20.

30 On the cultural history of the Avignonese court, see *La vie culturelle, intellectuelle et scientifique à la cour des papes d'Avignon*, (ed.) Jacqueline Hamesse (Turnhout: Brepols, 2006); *Images and Words in Exile. Avignon and Italy in the First Half of the Fourteenth Century*, (ed.) Gerhard Wolf, Elisa Brilli and Laura Fenelli (Certosa del Galluzzo: SISMEL, in press); see above all the thesis of Étienne Anheim, "La Forge de Babylone. Pouvoir pontifical et culture de cour sous le règne de Clément VI (1342–1352)," (Paris: École Pratique des Hautes Études, 2004); and Id., *Clément VI au travail—Lire, écrire, prêcher au XIV^e siècle* (Paris: Publications de la Sorbonne, 2014). On the administrative history and modes of government of the Avignon papacy, see *Aux origines de l'État moderne. Le fonctionnement administratif de la Papauté d'Avignon* (Rome: École française de Rome, 1991); *Offices, écrits et papauté* (*XIII^e–XVII^e siècles*), (ed.) Armand Jamme and Olivier Poncet (Rome: École française de Rome, 2007); Valérie Theis, *Le gouvernement pontifical du comtat Venaissin: vers 1270–vers 1350* (Rome: École française de Rome, 2012); Arnaud Fossier, *La fabrique du droit: casuistique, qualifications juridiques et pratiques administratives de la pénitencerie apostolique* (*début XIII^e–début XV^e siècle*). PhD diss. Paris, 2012.

marked an important passage in the identification of new heresies, including those of the Spirituals and the Fraticelli, of sorcerers and charmers, of intellectuals and political enemies.[31] Despite the decline of the Manichean heresy in the first half of the fourteenth century, the mobilization of theologians and inquisitors is such as to give the impression that heretics were still perceived as a serious and overwhelming threat.[32] Jacques Fournier's writings permit us to enter into the heart of this mobilization and to follow its outcomes after the death of John XXII.

His corpus is of great interest, not only because it is largely unedited and has never been studied in an integrated way, but also for its epistemological implications. The breadth of Fournier's production and the absence of a critical edition of his theological writings have resulted in a necessarily selective handling of the sources, which I will periodically discuss in greater detail. In short, I have privileged inquisitorial transcripts, exegetical works, and letters produced by the Apostolic Chancery. The diverse typologies of these sources call for reflection on the variety of textual approaches to heresy. For which audiences were these writings prepared and to what end? How do they fit into the tradition of their genre? Which sources were used and in which documents did they result? A second set of questions investigates whether and how the combination of these documentary typologies modifies our reading of heresy and how we might detect it in textual representations. How does this change what we can know about heresy and the modes of its representation?

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31 *Le pape et les sorciers. Une consultation de Jean XXII sur la magie en 1320* (*manuscrit B.A.V. Borghese 348*), (ed.) Alain Boureau (Rome: École Française de Rome, 2004); Sylvain Piron, "Censures et condamnation de Pierre de Jean Olivi: enquête dans les marges du Vatican," *Mélanges de l'École française de Rome—Moyen Âge*, 118.2 (2006): 313–73; Sylvain Parent, *Dans les abysses de l'infidélité. Les poursuites judiciaires contre les ennemis de l'Église, entre rébellion et hérésie* (*Italie, v. 1310–1330*) (Rome: École française de Rome, 2014).

32 Instead of denominations, such as "Cathars" and "Cathar heresy," which do not appear in fourteenth-century sources of the Languedoc region, I prefer to adopt the expressions "Manicheans" and "Manichean heresy" (employed by the Church authorities) or the heresy of "Good Men" (from the expression *boni homines* used by the believers themselves). For a discussion of the denominations used in the sources to designate heresy and the heretics of Languedoc, see Mark Gregory Pegg, "Heresy, Good Men, and Nomenclature," in *Heresy and the Persecuting Society in the Middle Ages. Essays on the Work of R.I. Moore*, (ed.) Michael Frassineto (Leiden: Brill, 2006), 227–39; Julien Théry, "On Cathars, Albigenses and Good Men of Languedoc," *Journal of Medieval History*, 27.2 (2001): 181–95; Id., "L'hérésie des bons hommes."

Such questions are perfectly responsive to the deconstructionist input into heresy studies that was discussed above, as they aim to tease out the key role played by textuality and by the literate authority in the determination of heretical dissent. Yet, this investigation will not insist in demonstrating that an 'invention' of heresy by the authorities of the Church was in place—a stimulating hypothesis, albeit not valid universally. We will opt, rather, for an idea of 'definition,' in its etymological sense of 'delimitation' of the boundaries between religious inclusion and exclusion. Such a shift in emphasis prompts a notion of mobility of the boundaries of heterodoxy; boundaries that were not necessarily invented, but rather redesigned time after time, and subject to new outlines. With respect to these boundaries, it is necessary to trace—for every occurrence—contingent factors, the personalities involved, the concepts and values tested, and the documental bias. A slow-motion view on these elements will allow us to study what it meant on every occasion to define heresy toward the end of the Middle Ages.

A three-part narrative derives from the documentary contexts and investigations I have emphasized so far. Part One focuses on the judicial context of the fight against heretics, examining the trials conducted in the tribunal of Pamiers between 1318 and 1325. The machinery and the functioning of Jacques Fournier's court are reconstructed in light of three principal areas of investigation: the organization of the tribunal, inquisitional procedures, and categories guiding the identification of heretics, suspended between tradition and change. Part Two complements the judicial study with one on theological reflection. The context is that of John XXII's curia, where Fournier became an official theologian. But the space examined extends well beyond the borders of the Avignonese stronghold to embrace a reflection on heretics and heresies in all times and places. Attention is focused on Jacques Fournier's monumental biblical commentary, which remains unedited and that contains the author's most complete reflection on the nature of heresy, the characteristics of heretics, and methods by which one might identify them. Though differing in aims, language, and audience, inquisitorial documents and biblical commentaries reveal unexpected convergences and complementarity. Part Three examines Benedict XII's initiatives regarding heretics, schismatics, and infidels, tracing the details of the papacy's anti-heretical commitment in the Avignonese period. With this we turn to the historical time of Jacques Fournier, looking, though, at a very extensive geographical expanse. The scale of analysis extends from Ireland to the Italian peninsula, from the Iberian world to the Far East: papal politics adapts to diverse contexts, between diplomatic requirements and the variable centre-periphery balance, between political realism and universalistic aspirations. But above all, Benedict had to reckon with the particular

expansion of the concept of heresy that took place during the long pontificate of John XXII. Since that time, the fight against religious dissent and the exaltation of the papal monarchy has perhaps never gone together so closely hand in hand.

Transcription Criteria

Transcriptions of the manuscript Troyes, Médiathèque de l'Agglomération Troyenne (*olim* Bibliothèque Municipale), 549, IV are furnished at the bottom of the text. A criterion of maximum conservativity was adopted for both morphological and syntactic aspects of the documents employed. The graphic alternation of i/j and u/v, the use of capital and lowercase letters and of punctuation marks have been standardized according to modern use.[33]

Conventional marks and characters are as follows:

- Three points between round brackets (. . .) indicate the omission of portions of the text.
- The vertical bar | indicates a page change.
- Citations identified within the text are indicated by italics and followed by a reference for the citation between square brackets.
- Square brackets are used where necessary to facilitate the reading of excerpts, clarifying, for example, the implicit subject of a sentence.
- The caption [*sic*] is used to indicate syntactic or grammatical inaccuracies within the text of the manuscript.
- Angle brackets < > indicate inclusions by the transcriber in cases of textual ommissions or lacunae.
- ~~Striking~~ is used to indicate words repeated in error by the copyist.

As for other cited texts from existing editions, the norms adopted by the respective editors are followed.

33 Cf. Giampaolo Tognetti, *Criteri per la trascrizione di testi medievali latini e italiani*, Quaderni della Rassegna degli Archivi di Stato 51 (Rome: Ministero per i beni culturali e ambientali, 1982).

PART 1

At the Crossroad of Justices

CHAPTER 1

At the Crossroad of Justices: A Bishop's Court in the Early Fourteenth Century

On the first Sunday of August in 1321 the cemetery of St. John the Martyr, located outside the walls of the city of Pamiers, was thronged with people. That day a sermon general was being held, a major event that crowned, through public pronouncement of the judgments, two years of investigations carried out against eleven heresy suspects.[1] The choice of Pamiers as the venue of the ceremony was due either to where the defendants came from or to where they were captured, designating the bishop of Pamiers and the inquisitor of Carcassonne as those responsible for the investigation. Next to them, a council of religious and secular authorities took part in the elaboration of the sentence: before the indistinct mass of the *populus*, these men and their counsel completed the judicial process conducted against the suspected heretics.

Numerous witnesses were summoned to the ceremony. In addition to the bishop of Pamiers, Jacques Fournier (1317–25) and the inquisitors of Toulouse, Bernard Gui (1306–24), and of Carcassonne, Jean de Beaune (1316–24), a bishop, an abbot, priors, officials, canons and other clerics were also present, the consuls of Pamiers, Ax-les-Thermes and Tarascon, and other lords of the region. The gathering of so many authorities at the concluding phase of the trial, inevitably possessing a higher visibility, should not surprise: far from being exceptional, this participation served a tendency to cross the boundaries between different courts and legal systems, whether ecclesiastical or secular, maintaining distinct but often overlapping objectives, that also included procedures and staff. The microscenario of a judicial system of multiple and interrelated aspects, the sermon general of 2 August allows us to introduce some of the distinctive characteristics of a bishop's court of the early fourteenth century.

Bishop Fournier carried out his own functions, not limited to the exercise of justice, alongside and in conjunction with other centers of power. The activities of his court were not isolated, but fitted within a complicated mosaic characterized by overlapping jurisdictions and variable relationships with the

1 *Le livre des sentences de l'inquisiteur Bernard Gui, 1308–1323*, (ed. and trans.) Annette Pales-Gobilliard (Paris: CNRS, 2002), 1254–74.

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central power.[2] A plurality of administrative and judicial regulations coexisted in Languedoc between the thirteenth and fourteenth century and the court of Jacques Fournier operated within this complex and stratified system.[3] Looking at the Languedoc region and progressively focusing the lens on the diocese of Pamiers, we will try to understand the relationship between a bishop and the different authorities present on the same territory. Regulated by a contract, the sharing of the powers of government and justice between ecclesiastical and secular authorities attempted for a long time, in Pamiers also, to normalize relations between competing centers of power. In a different way, the Council of Vienne emphasized the pluralist nature of antiheretical justice, establishing cooperation and mutual control between bishops and inquisitors.

1.1 Secular Justice in Languedoc

At the end of the thirteenth century, Languedoc presented itself as a complex mosaic of centers of power, in which efforts at centralization and more markedly autonomistic aspirations coexist. The exercise of justice translated this institutional plurality into a wide variety of courts. The conflict underlying the sharing of the rights of justice in the region was accentuated by the lack of accordance between *ius* and *territorium*: different administrative and judicial systems insisted unequivocally on the same territory.[4]

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2 With regard to the opportunity of studying the wider political and institutional context of the inquisitorial activities see Kathrin Utz Tremp, "Montaillou n'est pas une île: les derniers cathares, Pierre Clergue et Pierre Maury, devant leur juge," *Études de Lettres. Revue de la faculté des Lettres de Lausanne* 4 (1992): 143–67. The re-contextualization of the inquisitorial documents is at the center of James Given, *Inquisition and Medieval Society: Power, Discipline and Resistance in Languedoc* (London: Cornell University Press, 2001).

3 On the organization of justice in the Languedoc cities see *Pratiques sociales et politiques judiciaires dans les villes de l'Occident à la fin du Moyen Âge*, (ed.) Jacques Chiffoleau, Claude Gauvard, and Andrea Zorzi (Rome: École Française de Rome, 2007). The plurality of the ecclesiastical tribunals in the south of France is the leading theme of the volume *Les justices d'Église dans le Midi* (*XI^e–XV^e siècle*) (Toulouse: Privat, 2007).

4 On the institutional history of late-medieval Languedoc see Paul Dognon, *Les institutions politiques et administratives du Pays de Languedoc du XIII^e siècle aux guerres de religion* (Toulouse: Privat, 1895); Joseph R. Strayer, *The Reign of Philip the Fair* (Princeton: Princeton University Press, 1980); James Given, *State and Society in Medieval Europe. Gwynedd and Languedoc under outside Rule* (Ithaca: Cornell University Press, 1990), 69–90; Given, *Inquisition and Medieval Society*; *Les justices d'Église*; *Pratiques sociales et politiques judiciaires*, (ed.) Chiffoleau, Gauvard, and Zorzi; and Olivier Guyotjeannin, "L'intégration des grandes acquisitions territoriales de la royauté capétienne (XIII^e–début XIV^e siècle)," in *Fragen*

At the time of the Albigensian Crusade, the crown had already introduced a more decisive and direct intervention in the Languedoc area: made possible by continuous territorial annexations, it culminated in the creation of the seneschalsies of Beaucaire, Carcassonne, Rouergue, and Toulouse. Later, in 1271, the death of the count of Toulouse and his wife, who had no heirs, led to the annexation of the county of Toulouse, Agenois, Vivarais, and other territories to the Kingdom of France. The lands of the county reunited under the crown were thus incorporated for the first time into the seneschalsy of Carcassonne.[5] The political independence and the cultural and linguistic peculiarities of Languedoc were slowly forced to yield under the impetus of the new rule. But that did not produce an uncontested hegemony of the crown in the region: rather, the establishment of monarchical authority in Languedoc was realized alongside and above the preexisting institutional realities.[6]

The major powers of government were delegated to the royal seneschals, who carried out military, administrative, and judicial functions. The seneschal's court, presided over by one *iudex maior*, was a supreme court that judged in the first instance cases relating to goods or feudal rights and to major crimes. The seneschals shared prerogatives of government and justice with the vicars, who presided over more circumscribed districts equipped with their own court. The lowest level of the royal jurisdiction was represented by bailiffs, with functions similar to those of the vicars, and minor bailiffs, whose tasks related to lower justice. In the districts of Toulouse and Albi special judges also took over with powers over districts under more bailiffs. A very real circuit of courts and officials of monarchic provenance, therefore, engrafted itself on to the existing administration, establishing for the first time in Languedoc a jurisdiction that aspired to be unified and supra-regional. But the success of this operation should certainly be reevaluated: in fact the king of France, with his network of judges and officials, did nothing other than complement the preexisting centers of power.[7]

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der politischen Integration im mittelalterlichen Europa, (ed.) Werner Maleczek (Ostfildern: Thorbecke, 2005), 211–39.

5 *Histoire générale de Languedoc*, (ed.) Claude Devic and Joseph Vaissette, 16 vols. (Paris: Privat, 2003–6) (from now on *HGL*), 9: 1–7.

6 Auguste Molinier, "Étude sur l'administration de Louis IX et Alfonse de Poitiers (1226–1271)," in *HGL*, 7: 462–570; Strayer, *The Reign of Philip the Fair*, 100–236.

7 *HGL*, 6: 793–4, 933–5; *HGL*, 9: 57; Dognon, *Les institutions politiques*, 327–44; Molinier, "Étude sur l'administration de Louis IX," 519–29; Alan Friedlander, "Les sergents royaux du Languedoc sous Philippe le Bel," *Annales du Midi*, 96 (1984): 235–51; Strayer, *The Reign of Philip the Fair*, 136; Given, *State and Society*, 52–68.

At the citizens' level for example there existed forms of consular administration. At the end of the thirteenth century a hundred rural Languedoc communities recorded the presence of consuls with administrative, military, and judicial functions. They were already active since the twelfth century in cities like Pamiers, Toulouse, and Carcassonne.[8] The customals drawn up in most of the cities in southern France in the context of the recovery of municipal autonomy, constitute a privileged access-road to determine the functions reserved to the consular authorities.[9] The customs granted the people of Pamiers in January 1228 show that on that date the city had thirteenth consuls, with powers relating to the punishment of crimes, the regulation of commerce, the protection of citizens and foreigners, and the resolution of controversies.[10] In 1309 their responsibilities as *iudices ordinarii et immediati* across the whole complex of civil and criminal justice were reaffirmed.[11] These officers tend to be often among the witnesses summoned to the court of Jacques Fournier, confirming the osmosis between organizations and authorities responsible for exercising justice in the same territory. The secular and ecclesiastical courts of Languedoc were also frequented by the persons of jurists. The activity of these legal experts, trained in the universities of Montpellier and Toulouse, took place in the context of the local courts and the seneschalsy council and provided for

8 Among the many studies on consular jurisdiction in the south of France we refer back to Dognon, *Les institutions politiques*, 57–147; Pierre-Clément Timbal, "Les Villes de consulat dans le Midi de la France. Histoire de leurs institutions administratives et judiciaires," in *La Ville—Town, Première Partie* (Paris: Dessain et Tolra, 1983), 343–70; André Gouron, "Diffusion des consulats méridionaux et expansion du droit romain aux XII^e^ et XIII^e^ siècles," in Id., *La science du droit dans le Midi de la France au Moyen Âge* (London: Variorum, 1984), 26–76; Jean-Marie Carbasse, "Justice 'populaire,' justice savante. Les consulats de la France méridionale (XII^e^–XIV^e^ siècle)," in *Pratiques sociales et politiques judiciaires*, 347–64.

9 Jean-Marie Carbasse, "Bibliographie des coutumes méridionales. Catalogue des textes édités," *Recueil de mémoires et travaux publié par la Société d'histoire du droit et des institutions des anciens pays de droit écrit*, 10 (1979): 7–89.

10 *HGL*, 8: 870–6, no. 268; Jacques Ourgaud, *Notice historique sur la ville et le pays de Pamiers* (Pamiers: Verger, 1865), see "Preuves, chartes et documents," no. VIII; M. Cl. Compayré, *Études historiques et documents inédits sur l'Albigeois, le castrais et l'ancien diocèse de Lavaur* (Albi: Maurice Papailhiau, 1841), 496–509; Paul Ourliac, "Les statuts de Pamiers," in *À cheval entre histoire et droit. Hommage à Jean-François Poudret*, (ed.) Eva Maier, Antoine Rochat, and Denis Tappy (Lausanne: Biblothèque historique vaudoise, 1999), 75–91.

11 Ourgaud, *Notice historique*, no. XII.

their mobility through the various districts.[12] Whether they were laity or clergy, they participated in the final stages of the processes of inquisition and took part in an official capacity in the sermons general. Their activity diagonally crossed the secular and ecclesiastical courts, bringing fragments of a multiform judicial universe closer together into a dynamic unity.

1.2 Sharing Rights in the City of Pamiers

The events that disturbed the peace in the city of Pamiers at the turn of the thirteenth and fourteenth centuries show that the claims to power characteristic of the urban micro-context were not separated, but rather fitted perfectly into the much broader conflicts, such as that between the monarchy and the papacy. The city of Pamiers grew and developed in the central centuries of the Middle Ages around the Augustinian abbey of Saint-Antonin, which was long the center of the development of human settlement, religious life and the political-administrative organization of the territory.[13] The abbots had to cope almost immediately with the claims of the counts' families and then of the crown, relating to new interlocutors from time to time. As happened to many religious houses in the south, the abbey was under the authority of lords since the tenth century who in the end succeeded in transmitting their rights of patronage into inheritance. For a long time the counts of Foix exercised these functions in Pamiers, leaving them in legacy to their descendants. But at the beginning of the twelfth century such relationships were rebalanced: Count Roger II undertook to return the usurped domains to the monks, while the abbot delegated the custody of the castle and monastery to the count, granting him half of the rights. In particular, he shared equally with the count the rights of justice: this co-division resulted in municipal lordship, inscribing the new agreement in the terms of a contract of shared lordship or *pariagium*. This contract governed the relationship between the abbots of Saint-Antonin and the counts of Foix for a long time, until the counts were then replaced by the

12 Joseph R. Strayer, *Les gens de justice du Languedoc sous Philippe le Bel* (Toulouse: Association Marc Bloch, 1970), 13–45; Jacques Chiffoleau, *Les justices du pape: délinquance et criminalité dans la région d'Avignon au quatorzième siècle* (Paris: Publications de la Sorbonne, 1984), 51–68.

13 About the origins and history of the city of Pamiers, see Ourgaud, *Notice historique*.

crown. But the formalization of a shared jurisdiction was far from decisive for the civic stability, creating contrasts and rivalries.[14]

From 1268 the energetic figure of Bernard Saisset was head of Saint-Antonin, and managed to project the dynamics of the *pariagium* of Pamiers onto the larger scene of contention between Boniface VIII and Philip the Fair.[15] Never as at this stage had the difficulties of a shared civic jurisdiction reflected the conflicts which, on a very different scale, opposed the hierocratic aspirations of the papacy to the claims to the crown. In 1269 the new abbot broke the shared lordship agreement with the count of Foix, allowing King Philip III to take over for at least a decade. The count did not renounce his own claims to Pamiers, whereas the participation of the crown contributed to the process of consolidating the royal presence in the Midi. Thus, the alternation between the authority of the counts and that of the monarchy was almost continuous in Pamiers in the last decades of the thirteenth century.[16]

With the intention of filibustering Count Roger-Bernard III, Bernard Saisset appealed to Pope Boniface VIII as well, giving him an excuse to intervene in the affairs of France. The pope actually wrote to Philip IV so that he would compel Roger-Bernard to return the goods usurped, excommunicated the count and launched an interdict on the city for having supported him. Also in 1295 Boniface attributed the episcopal dignity to the city of Pamiers, separating it from the Diocese of Toulouse: Saint Antonin thus became the new cathedral, while Saisset was ordained the first bishop of Pamiers. On this basis, the bishop and count arrived in 1297 at a reformulation of the treaty of *pariagium*: the two parties shared the rights of justice, and appointed a common governor, judge,

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14 *HGL*, 3: 596–7 and 5: 818–20, no. 438. See Molinier, "Étude sur l'administration de Louis IX," 212; Eugène de Rozière, "Le pariage de Pamiers," *Bibliothèque de l'École des Chartes*, 32 (1871); C. Barrière-Flavy, *Le Paréage de Pamiers entre le roi Philippe-le-Bel et l'évêque Bernard Saisset le 23 juillet 1308* (Toulouse: Privat, 1891); Ourgaud, *Notice historique*; Jean-Marie Vidal, *Histoire des évêques de Pamiers*, 1: *Bernard Saisset, 1232–1311* (Toulouse: Privat, 1926).

15 On Bernard Saisset, see Vidal, *Bernard Saisset*; Georges Digard, *Philippe le Bel et le Saint-Siège de 1285 à 1304* (Paris: Recueil Sirey, 1937), 9, 104–45; Jean Favier, *Philippe le Bel* (Paris: Fayard, 1978); Strayer, *The Reign of Philip the Fair*; Julien Théry, "Allo scoppio del conflitto tra Filippo il Bello di Francia e Bonifacio VIII: l'affaire Saisset (1301). Primi spunti per una rilettura," in *I poteri universali e la fondazione dello Studium Urbis. Il pontefice Bonifacio VIII dalla* Unam sanctam *allo schiaffo di Anagni*, (ed.) Giovanni Minnucci (Rome: Monduzzi, 2008), 21–68.

16 De Rozière, "Le pariage de Pamiers;" Ourgaud, *Notice historique*, pp. 134–9; *HGL*, 4, Preuves, no. LVI.

and vicar; furthermore, they also had approximately equal rights to fines, fees and forfeitures, while the count guaranteed the bishop a substantial income to compensate him for the damage he had caused him. The papal confirmation and a solemn ceremony followed, celebrated on 25 June 1300, during which the bishop absolved Roger-Bernard from excommunication. An exchange of keys sealed the re-found agreement.[17]

But this agreement did not mark the end of the tensions, which now served as a sounding board in the dispute between Boniface VIII and Philip the Fair. The king had secret investigations opened against Bernard Saisset. The list of charges collected against him—heresy, simony, blasphemy, treason, lèse-majesté—inserts the investigation perfectly in the wake of the political trials of the early fourteenth century.[18] The bishop of Pamiers demanded safe conduct to travel to the presence of the pope, who he considered to be his natural judge, but was preceded by the royal commissioners, who issued him a summons. Some procedural issues related to the violation of ecclesiastical privileges, however, blocked the cause. For his part, the pope ordered the release of Saisset and accused Philip the Fair of having acted against the *libertas Ecclesiae*, and of offending the dignity of the Apostolic See. In the bull *Ausculta fili* (1301) Boniface reaffirmed the primacy of the Vicar of Christ, reserving the right to intervene in temporal affairs. He also summoned to Rome high clergy, theologians, and jurists, extending an invitation to the king himself, with the purpose of defending the freedom of the Church and setting limits to the power of the crown. At the same time the French king summoned the states general to defend the independence of the crown.[19]

The gears of justice rotated in favor of the bishop of Pamiers, who was entrusted to his own metropolitan, while the papers of the trial were sent to Rome. Although the affair had assumed enormous dimensions, it was destined to be settled quickly, and the bishop was able to return to his diocese having obtained the king's pardon. The outcome of the crisis was therefore totally unexpected, when on 23 July 1308 Bernard Saisset and Guillaume Nogaret drew up a new agreement. The death of Boniface had in fact made possible a new understanding in the relations between the monarchy and the papacy, which also involved by reflex the bishop of Pamiers, one of the figures who

17 *HGL*, 4, no. LXIII; *HGL*, 4, no. LXIV. Ourgaud, *Notice historique*, 283.

18 I refer to Théry, "Allo scoppio del conflitto," 21–68.

19 Favier, *Philippe le Bel*, 317, 343–8; Alessandro Barbero, "Bonifacio VIII e la casa di Francia," *Bonifacio VIII* (Spoleto: Centro Italiano di studi sull'Alto Medioevo, 2003), 273–327; Digard, *Philippe le Bel et le Saint-Siège*, 82–92.

had most of all catalyzed the rivalry. Yet again stepping over the count of Foix, the king and the bishop were once more associated in the exercise of justice, sharing equally the rights over the whole territory of the diocese. While confirming the substance of existing contracts, the agreement of 1308 ushered in a period of stability in Pamiers in the joint exercise of temporal justice by the bishop and the royal officials. When on 19 March 1317, Jacques Fournier came to the bishop' throne, relations with the secular authorities, still regulated by the treaty of 1308, were finally relaxed.

1.3 The Decretal *Multorum Querela*

The cases of heresy converged by right into the competences of episcopal justice, inquisitorial and pontifical. At the same time, they also involved the secular authorities, active in various capacities throughout the entire course of the investigations. There were some attempts to regulate the interaction between the different authorities involved in the fight against heresy. The history of relations between bishops and inquisitors in the repression of heretics went through a major development in the Council of Vienne (1311–12), which tried to direct an often adversarial relationship into a more effective collaboration. The decretal *Multorum querela*, issued by the council and converging into the *Clementinae*, was conceived in response to the numerous complaints against the excesses and prevarications of the inquisitors.[20] Indeed, the second half of the thirteenth century was studded with a long history of protests against the abuses carried out by the mendicant friars under the pretext of the antiheretical fight. Despite the fact that the collaboration with the episcopate was not completely obliterated, in practice the episcopal inquisition had seen its ability to intervene reduced drastically in favor of the friar inquisitors. In this context, the preachers had aroused popular discontent in many cities in Languedoc that exploded in violent attacks. Between 1300 and 1309 these episodes reached proportions not witnessed since the forties of the thirteenth century.[21]

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20 *Conciliorum Oecumenicorum Decreta*, (ed.) Giuseppe Alberigo (Bologna: EDB, 1973), 380–2.

21 Yves Dossat, *Les crises de l'Inquisition toulousaine au XIII^e siècle (1233–1273)* (Bordeaux: Bière, 1959); Alan Friedlander, *The Hammer of the Inquisitors: Brother Bernard Délicieux and the Struggle against the Inquisition in Fourteenth Century France* (Leiden: Brill, 2000); Given, *Inquisition and Medieval Society*, 111–40; Jean-Louis Biget, "L'inquisition en Languedoc, entre évêques et mendiants (1229–1329)," in *Les justices d'Église*, 121–64.

It was also on the wave of these explosions of discontent that the Council of Vienne addressed the question of the inquisitors' abuses of power. The decretal *Multorum querela* proposed to limit abuses by establishing the obligation of an effective collaboration between bishops and inquisitors, especially in the most delicate operations. The friars could continue independently to summon, arrest, detain under surveillance, and imprison suspected heretics. But the duty was imposed on them to proceed in conjunction with the bishops in regard to measures of increased severity, such as the imposition of imprisonment, torture or the issuance of a sentence. A limit of eight days was set within which both authorities were required to inform each other of the measures taken, or they would otherwise be cancelled. The decretal devoted special attention to the problem of prisons for heretics, which were particularly exposed to abuses: bishop and inquisitor shared prison spaces, entrusting control to two guardians appointed respectively. Even notaries and other officials involved in the fight against heretics were required to take the double oath before the bishop and inquisitor, which established the prerequisites of the meeting points of both courts. Any abuse, and in particular the possession of weapons and extortion of money, was to be punished by excommunication or with a suspension of three years from office.[22]

By redesigning the fundamentals of the antiheretical fight in the context of collegiality, the *Multorum querela* gave a new impetus to the episcopal initiative, placing constraints instead on an inquisitorial activity too often uncontrolled. That the new equilibrium redimensioned the initiative of the mendicant friars is borne out by the concern with which Bernard Gui received the measure, expressed in a weighty memorial in which the inquisitor stated that the decretal would invalidate the efficiency of the courts, to the detriment of the fight against heresy.[23] The same concerns arise in the *Practica inquisitionis*, where Bernard refers to "some inconveniences" that reduce the freedom of action of the inquisitorial office, in the hope that those restrictions will be cancelled.[24] The effects of *Multorum querela* are clearly observable in the diocese of Pamiers, where Bishop Jacques Fournier carried on the fight against heretics within a tight and rigorous collaboration with the Dominican inquisitor stationed in Carcassonne. Between 1317 and 1325, Fournier was at the head of an indefatigable court that acted in total conformity with the directions issued by the Council of Vienne. The reports of the trials stored in the code Vat. lat. 4030

22 *Conciliorum Oecumenicorum Decreta*, 380–2.

23 Paris, Bibliothèque nationale de France, Doat, 30, ff. 91–132.

24 *Practica Inquisitionis Heretice Pravitatis auctore Bernardo Guidonis* OFP, (ed.) Célestin Douais (Paris: Picard, 1886), 187ff.

of the Biblioteca Apostolica Vaticana illustrate the reception accorded the *Multorum querela*, which resulted in a constant collaboration and sharing of responsibilities between the bishop and the inquisitors.

1.4 The Internal Organization of the Court of Pamiers

Until the arrival of Jacques Fournier in 1317, no antiheretical campaign independent of the courts of the Dominican inquisition was promoted in Pamiers.[25] Before that date, and despite the creation of an inquisitorial tribunal in the same city by Boniface VIII, the repression of heretics in Pamiers was still dependent on the consolidated experience of the courts of Carcassonne and Toulouse, which at the time of the Council of Vienne had almost completed the capture of the *boni homines* in the region.[26] In particular, since 1303 the suppression of the heretics in the territory of Pamiers was entrusted to the inquisitor of Carcassonne Geoffroy d'Ablis. When, in 1308, the entire population of Montaillou (diocese of Pamiers) was put on trial, it was the court of Carcassonne that took the depositions and imprisoned the heretics. We know that at least twenty-seven of Fournier's defendants had already been tried in the Carcassonne courts. When the *Multorum querela* brought the bishops to the center of the fight against heretics, it was Jacques Fournier who energetically launched the investigations in his own court.

There is more of a doubt about the fact that there was an urgent need. After a brief recovery in the early fourteenth century, the heresy of the 'good men' had now been hard hit by the inquisitorial repression and had kept little of the organization and momentum of the previous centuries: the preaching of the brothers Authié, which according to some, constituted a spiritual reconquest, was not able to restore a real and true church, leaving the 'good Christians' in substantial institutional uncertainty. The capture of the last *boni homines* could only be followed by the collapse of the fragile scaffolding on which the heresy of Good Men, between the end of the thirteenth and the beginning of the fourteenth century, sustained itself.[27]

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25 The only documents regarding this are contained in BnF, Doat, 32, ff. 113v–24r.

26 Michel Roquebert, *Histoire des Cathares. Hérésie, Croisade, Inquisition du XI^e^ au XIV^e^ siècle* (Paris: Perrin, 1999), 485–6.

27 On the history of the Manichean heresy in Languedoc in the early fourteenth century, see Arno Borst, *Les cathares* (Paris: Payot, 1988), 116–22; Raoul Manselli, *L'eresia del male* (Naples: Morano, 1963); Elie Griffe, *Le Languedoc cathare et l'Inquisition* (*1229–1329*) (Paris: Letouzey et Ané, 1980), 171–299; Jean Duvernoy, *Le catharisme*. 2: *L'histoire des Cathares*

Against the background of a Manichean presence, perceived to be much greater than it actually was, and in a context of renewed harmony between the episcopal power and secular authorities, Jacques Fournier devoted an energetic force to the repression of heretics. The authority granted to the bishops in the fight against heterodoxy constituted the normative assumption for the workings of his court: if we consider that, as is deduced from its register of trials, the court of Pamiers was active 370 days between 1318 and 1325, it clearly shows how the repression of heresy took on major importance among the responsibilities of his episcopate.[28] But we know that Fournier's investigations were even more extensive than the surviving documentation allows one to see. The Vat lat. 4030 was not in fact the only codex that contained the trial records of Pamiers: the older inventories of the papal library in Avignon mention another volume bound in white leather, containing some of the trials of Bishop Fournier against the "Beguins of the Third Order of St. Francis," lost at the time of the transfer of the library to Rome.[29] We can conclude little on the basis of a lost code about the extent of the campaigns against the Beguins in the diocese of Pamiers. What is certain is that, just at the time of the investigations of Fournier in Pamiers, the spirituals were slipping towards positions increasingly irreconcilable with the Church of Rome. With the election of John XXII (1316–34), the papacy adopted firm positions of intransigence against them, by opposing any claim of radical poverty. In the context of new boundaries for heresy, spirituals and Beguins suffered condemnations and persecutions, endorsed by decretals such as the *Quorundam exigit*, that exalted obedience as a virtue superior to poverty. On 7 May 1318 four spirituals who refused to submit, lost their lives at the stake in Marseille, and many burnings occurred until the end of the following decade.[30] A little later the pope reopened the case against the writings of Peter of John Olivi, charismatic leader of the Tuscan

(Toulouse: Privat, 1976), 315–33; Jean Duvernoy, "Le catharisme en Languedoc au début du XIV^{e} siècle," in *Effacement du Catharisme? (XIII^{e}–XIV^{e} siècle)*, Cahiers de Fanjeaux 20, (Toulouse, Privat, 1985), 27–56; Malcolm Lambert, *The Cathars* (Oxford: Blackwell, 1998), 230–71.

28 The data are from Vidal, *Le tribunal d'inquisition de* Pamiers, 116.

29 Franz Ehrle, *Historia bibliothecae romanorum pontificum, tum Bonifatianae tum Avenionensis* (Rome: Typis Vaticanis, 1890), 316; Anneliese Maier, "Der Katalog der päpstlichen Bibliothek in Avignon vom Jahr 1441," in Ead., *Ausgehendes Mittelalter: gesammelte Aufsätze zur Geistesgeschichte des 14. Jahrhunderts*, 3 vols. (Rome: Edizioni di Storia e Letteratura, 1964–1977), 3: 144.

30 Louisa A. Burnham, *So Great a Light, so Great a Smoke: The Beguin Heretics of Languedoc* (Ithaca: Cornell University Press, 2008).

as of the Provencal spirituals.[31] At the time of Fournier's investigations, many Beguins were tried in the neighboring diocese of Mirepoix. On 4 and 5 July 1322 fifteen Beguins from Cintegabelle, Belpech, and Mazères (diocese of Mirepoix), Montréal (diocese of Carcassonne) and Saverdun (diocese of Rieux) were condemned in Pamiers.[32] On the basis of these indications, we can assume that the pace of work of the bishop's court was even more intense.

The activity of the court of Pamiers was dominated by the personality of Jacques Fournier. As we shall see in Chapter 2, the Cistercian was reluctant to delegate his own functions to others, imparting to the activity of the court a markedly personal impression. Such an assiduous presence was made possible by the fact that the area of jurisdiction of Fournier was limited to the diocese of Pamiers: it was thus materially feasible to interrogate the accused directly, unlike what happened in larger inquisitorial districts.[33] A few years after Vienne, Fournier's court transformed the conciliar orientation into constant collaboration with the court of Carcassonne, represented by the inquisitor in charge Jean de Beaune or more often by his deputy Gaillard de Pomiès, both Dominicans. The cooperation between the bishop and the inquisitors then pushed well beyond the instances of *Multorum querela*, which as we have seen referred only to the most delicate phases of the process. On these occasions the inquisitor in charge Jean de Beaune normally intervened, who appears in the final hearing of forty trials and is often present on the occasion of the sermons general. But the interaction between the two courts is evident in every phase: Gaillard de Pomiès is almost always present next to Jacques Fournier, acting as *socius*, assistant or lieutenant to the inquisitor of Carcassonne. He is also at the sermons general of Pamiers and Toulouse as representative of the inquisitorial authority.[34]

The cooperation between Carcassonne and Pamiers, however, does not represent an exclusive bond, since the two locations also operated with other courts. Crucial for both courts was the collaboration with the inquisition of Toulouse, then presided over by the Dominican Bernard Gui. He went to Pamiers several times, especially in serious cases, such as those involving a death sentence or related to the capture of a *haereticus*. Bernard Gui was in

31 Sylvain Piron, "Censures et condamnation de Pierre de Jean Olivi: enquête dans les marges du Vatican," *Mélanges de l'École française de Rome—Moyen Âge*, 118 (2006): 313–73.

32 *Le livre des sentences*, (ed.) Pales-Gobilliard, 1298–1424, at 1416. See Sylvain Piron, "Un avis retrouvé de Jacques Fournier," *Médiévales*, 54 (2008): 113–34.

33 *Le livre des sentences*, (ed.) Pales-Gobilliard, 1240, 1246, 1416.

34 As happened on 12 September 1322, see ibid., 1256, 1290, 1436.

fact present at the concluding hearings of the trials of Jean de Vienne, Raimond de la Coste and Guillaume Fort, burned at the stake, the convert Baruch, over whom hung a condemnation as a recidivist, Arnaud Sicre, who as a spy of the inquisition provided important information about the *haereticus* Bélibaste.[35] The proximity between the three locations is also variously attested in the *Liber sententiarum* of Bernard Gui: the inquisitors of Toulouse and Carcassonne participated in the sermons general of Pamiers on 1 August 1321 and on 4 and 5 July 1322, while Fournier was in Carcassonne on 8 December 1319 and Toulouse on 12 September 1322.

But the tribunal of Pamiers was composed of a much larger staff. Ninety employees, lay and ecclesiastical, alternated in the work of the tribunal: they took part in hearings in various capacities as office witnesses, notaries, or members of the council. Fournier surrounded himself with *probi et religiosi viri* that constituted a very large group, when necessary. Among them four religious were more frequently present: Germain de Castelnau, archdeacon of the church of Pamiers, present in at least 45 sessions; the Dominican Arnaud de Caslaire, witness in at least 200 sittings; and the Cistercians Bernard de Centelles and David de Saverdun, coming like Fournier from the abbey of Fontfroide.[36] Among the main assistants of the bishop, there were also naturally the notaries. Their role, central to the documentary outcome, placed these officials fully within a stable and full collaboration with the bishop's court. Their activity of recording and translating the confessions into Latin mediated the transition from the words of the accused to the documentary heritage of the institution that judged them.[37]

Fournier's register reveals the characteristics of a flexible and dynamic notary presence, which crosses secular and ecclesiastical courts. Seventeen scribes were active at Fournier's tribunal, to which can be added those in the service of the inquisitors of Carcassonne and Toulouse and those of the king or of the count of Foix.[38] Looking at the formulas used by notaries to describe themselves, we can derive some information on the recruitment of these personnel: their *titulus* shows an interesting overlap in many cases of seemingly separate spheres of jurisdiction. The notary public Guillaume Nadin, for example, is legitimized by the royal authority, but is active in the courts of the bishop

35 Vidal, *Le tribunal d'inquisition de Pamiers*, 85.

36 An accurate reconstruction of the personnel of Fournier's tribunal is in ibid., 76–114.

37 See *Notai, miracoli e culto dei santi: pubblicità e autenticazione del sacro tra XII e XV secolo*, (ed.) Raimondo Michetti (Milan: Giuffré, 2004).

38 Vidal, *Le tribunal d'inquisition de Pamiers*, 101–9.

and of the inquisition. His parallel presence in the secular and ecclesiastical courts is confirmed by an act in which the scribe speaks of himself as "notary public of Carcassonne and the seneschalsy of Carcassonne and Biterroix, of the king of France and the city of Pamiers and of the count of Foix."[39] The curate Jean Strabaud is a notary public in the city of Pamiers and of the bishop in inquisitorial matters. A similar expression is reserved for Raimond Arnaud Falques, "cleric of Pamiers and notary public of our lord the king of France and Navarre and the lord bishop of Pamiers."[40] Marc Rivel, *notarius terre pariagii*, is also linked to the two powers: he appears in the register as notary of the king of France and of the city of Pamiers, but participates in about twenty hearings along with the bishop, taking part also in the management of prisons. Guillaume de Pardelhan instead is legitimized by pontifical authority.[41]

Along with a handful of the most regular employees, many religious, mainly from the diocese of Pamiers, alternate with each other in the episcopal court: the dignitaries of the chapter, twenty Dominicans from Pamiers, Cistercians from Boulbonne and Fontfroide, friars Minor, Benedictines, Augustinians, and Carmelites. The collaboration with other religious authorities extended to all levels of the Church hierarchy. The parish priests allowed the bishop to collect important information about the spread of heresy in the ground-roots of their parishes. It was through their mediation, that suspects were summoned. Also, sometimes Fournier worked directly with other bishops: in 1319 John XXII entrusted him, along with the bishop of Saint-Papoul and the archbishop of Toulouse, with the investigation against the minor Bernard Délicieux, inspirational organizer of a vast movement of anti-inquisitorial contestation in Languedoc.[42]

Laymen also were widely present in the court of Pamiers, with functions of jailers, witnesses, and jurists. As we shall see, numerous experts in law formed part of the *consilia*, many of whom came from Pamiers, others instead from the nearby dioceses.[43] Ordinary judges and those of the courts of appeal were also there, in the service of the count of Foix or of the *terra pariagii*, and also *milites* and advisers to the king of France and Navarre. Finally, the citizens and the consuls of the city of Pamiers attended the pronouncement of the sentences. The repression of heterodoxy, anchored more than ever in the initiative

39 Ibid., 102; *HGL*, 10: 1, 362–5.

40 JF, 2: 218–9.

41 JF, 2: 105; Vidal, *Le tribunal d'inquisition de Pamiers*, 103–5.

42 Vidal, *Bullaire*, 48–51, no. 22; Friedlander, *The Hammer of the Inquisitors*, 260–92.

43 Vidal, *Le tribunal d'inquisition de Pamiers*, 109–15; see Chapter 2.1.

of Jacques Fournier, did not remain confined to his court, but became a project in which the different segments of society were involved. If the rebellions that struck the inquisition several times in the late thirteenth century illustrated that such an agreement was far from being taken for granted, the conditions created in Pamiers in the first decades of the fourteenth century were interpreted by Fournier in the light of an effective collaboration.

1.5 The Accused of Jacques Fournier

The elegant volume containing the Pamiers trial reports was commissioned by Fournier from the years of the antiheretical investigations themselves. It is the result of a drafting punctuated by successive steps, proceeding from quick notes taken during the hearings, culminating in the definitive copy that followed Benedict XII into the pontifical library of Avignon.[44] Table 1 synthetically illustrates the structural elaboration of the register. It contains information about the accused (name, origin, imputation) and the progress of their trial: start and end dates (that is, the first hearing and abjuration), date of the sentence, number of witnesses, number of hearings, possible preventive detention, penalty imposed. Without considering the papers that the inquisitor of Aragon passed on to Fournier, regarding four defendants from Montaillou arrested as *fugitivi* (no. 68), nor the deposition of Arnaud Sicre, spy and collaborator of the bishop and not accused (no. 41), we count 95 trial dossiers. The number of the accused, however, is expected to grow if we consider multiple trials, such as that of Raimond de Laburat (no. 57), from which we have only one confession, but which in reality involved five other defendants. Thus each trial increased the number of suspected heretics, since defendants and witnesses furnished the names of other people.

But as we have seen Fournier's inquiries were even more extensive than it appears from the documents preserved, because another volume gathered an unknown number of the bishop's trials against the Beguins.[45] The surviving

44 For the description of the ms Vat. lat. 4030 see Vidal, *Le tribunal d'inquisition de Pamiers*; JF, 1: 8–17; for the paleographic and codicological aspects see Petrucci's essay in Giuseppe Sergi, Giovanni Filoramo, Grado Giovanni Merlo, and Armando Petrucci, "Storia totale fra ricerca e divulgazione: il 'Montaillou' di Le Roy Ladurie," *Quaderni storici* 40 (1979): 205–22. On Jacques Fournier's accused, Emmanuel Le Roy Ladurie, *Montaillou, village occitan: de 1294 à 1324* (Paris: Gallimard, 1975), is a necessary reference.

45 Ehrle, *Historia bibliothecae*, 316; Maier, "Der Katalog," 144.

reports are mainly directed against those accused of the Manichean heresy: of the 92 trials recorded in the register, 53 relate to those accused of this heresy. The statements of the bishop's spy and papers received from the inquisitor of Aragon also refer to this heresy. We can also include with these the trial opened in September 1324 against nine defendants accused of false witness (nos. 87–94), who sought to imprison a common enemy as a follower of the same heresy. Only five trials instead (nos. 1–2, 7, and 33–34) involve heretics identified as Waldensian. The disproportion, enhanced by the geographical concentration of the investigation, is confirmed also in an investigation on a larger scale, as we find out from Bernard Gui's *Liber sententiarum*: of the 907 judgments delivered by the inquisitor of Toulouse between 1308 and 1323, 74.6% are related to the Manichean heresy.[46]

The case of Baruch, a Jew forcibly baptized who then returned to the Jewish faith (no. 8), closes the framework of the traditional charges, described in the context of treaties and inquisitorial manuals. But the heretical paradigm expands and becomes more complicated in Fournier's register, because next to the well-known 'sects,' heresies of less clear definition appear, religious doubts, popular beliefs variously attested in Ariège, criticism of the clergy and the Church, which are often assimilated with the Manichean heresy. The table indicates briefly the "heretical words" (*verba hereticalia*) at the center of these trials: they concern doubt about the Eucharist (no. 42), the last judgment, the resurrection of the soul and the body, the materiality of the cycle of seasons (nos. 5–6, 9, 10, 44, 62–64, 70, 72), beliefs regarding night flights with the souls of the dead (nos. 3, 35–39), mockery of the clergy and of religious practices (nos. 4, 43, 48, and 95), or invectives against the bishop for the payment of tithes (nos. 43–44, 48, and 84). Even cases reserved to the bishop's judgment, such as sodomy, make their entrance to the court presided over by Fournier (no. 71). As we will see the sins of fornication, adultery, or incest are often associated with the Manichean heresy (nos. 79, 84). Accusations of a different kind, destined for wide diffusion in the courts of the inquisition from the early fourteenth century, also made their way into the court of Pamiers incidentally: Guillaume Agasse declared under torture that he had participated in a conspiracy with the sultan of Babylon and the king of Granada, that involved the denial of Christ and the poisoning of the waters (no. 45).

46 James Given, "A Medieval Inquisitor at Work: Bernard Gui, 3 March 1308 to 19 June 1323," in *Portraits of Medieval and Renaissance Living. Essays in Memory of David Herlihy*, (ed.) Samuel K. Cohn Jr. and Steven A. Epstein (Ann Arbor: University of Michigan Press, 1996), 207–32.

TABLE 1 *The Trials of Jacques Fournier*

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
1	Raimond de la Coste	Diocese of Vienne	1: 40–122	09-08-1319	24-04-1320	—	24	Waldensian	YES	01-05-1320	Death at the stake
2	Agnès Francou	Diocese of Vienne	1: 123–127	10-08-1319	30-04-1320	—	6	Waldensian	YES	01-05-1320	Death at the stake
3	Arnaud Gélis, known as Bouteiller	Mas-Saint-Antonin	1: 128–143	23-02-1320	30-04-1320	5 (cf. nos. 35–39)	7	*Verba hereticalia*: He met the spirits of the dead	NO	01-05-1320	—
4	Pierre Sabatier	Varilhes	1: 144–150	23-10-1318	30-04-1320	—	6	*Verba hereticalia*: Derision of the Church	NO	01-05-1320	Crosses; pardoned the following year
5	Jacqueline den Carot	Ax	1: 151–159	04-03-1320	07-03-1321	4	6	*Verba hereticalia*: There is no other world than the present one and no Resurrection. Art of Saint George	YES	08-03-1321	—
6	Arnaud de Savinhan	Tarascon	1: 160–168	09-05-1320	25-10-1320	3	5	*Verba hereticalia*: The world always was and always will be such, nor is there any other world than the present one	YES	08-03-1321	Strict prison; crosses from 4 July 1322

TABLE 1 *The Trials of Jacques Fournier* (cont.)

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
7	Bérenger Escoulan	Foix	1: 169–176	06-05-1320		4	1	Waldensian suspect	NO	08-03-1321	Prison; crosses from 04-01-1322; removed in 1324
8	Baruch	Toulouse	1: 177–190	13-07-1320	25-19-1320	—	4	Baptised Jew and returned to the Jewish faith	NO	03-12-1320	Probably crosses
9	Guillaume Autast, bailiff	Ornolac	1: 191–213	15-07-1320	07-03-1321	7	10	*Verba hereticalia* about reincarnation; no receiving communion or fasting; usury.	YES	08-03-1321	Prison; crosses from 17-01-1329
10	Guillelmette Benet	Ornolac	1: 260–267	16-07-1320	05-03-1321	3	5	*Verba hereticalia*: The soul is nothing other than blood	YES	08-03-1321	Prison; crosses from 04-07-1322
11	Barthélemy Amilhac	Lladros	1: 251–259	11-09-1320	07-11-1320	—	3	Manichean heresy; *sortilegia et maleficia*	YES	08-03-1321	Prison; simple penances from 04-07-1322
12	Béatrice de Lagleize	Varilhes	1: 214–250	23-07-1320	05-03-1321	2	9	Manichean heresy; *sortilegia et maleficia*.	NO	08-03-1321	Prison; crosses from 04-07-1322
13	Raimond Vaissière	Ax	1: 268–288	07-10-1320	07-03-1321	3	5	Manichean heresy	NO	08-03-1321	Prison

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
14	Grazide Lizier	Montaillou	1: 302–6	19-08-1320	07-03-1321	—	4	Manichean heresy	YES	08-03-1321	Prison; crosses from 04-07-1322
15	Alazaïs Azéma	Montaillou	1: 307–22	20-08-1320	07-03-1321	—	7	Manichean heresy	YES	08-03-1321	
16	Fabrisse den Rives	Montaillou	1: 323–30	26-09-1320	07-03-1321	—	3	Manichean heresy; *Sortilegia*	YES	08-03-1321	Authorized to remove the crosses on 17-01-1329
17	Pierre Magre	Rabat	1: 331–3	21-04-1320	07-03-1321	—	2	Manichean heresy	NO	08-03-1321	Prison; crosses from 04-07-1322
18	Guillelmette Clergue	Montaillou	1: 334–49	16-10-1320	30-07-1321	—	7	Manichean heresy	YES	02-08-1321	Double crosses and minor pilgrimages
19	Bernard Francou	Goulier	1: 350–69	07-11-1320	07-03-1321	8	7	Manichean heresy and *verba hereticalia*	YES	08-03-1321	Prison; double crosses from 17-01-1329
20	Raimonde den Arsen	Montaillou	1: 370–7	23-11-1320	07-03-1321	—	2	Manichean heresy	NO	08-03-1321	Prison; double crosses from 02-08-1324

TABLE 1 *The Trials of Jacques Fournier* (cont.)

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
21	Arnaud Cogul	Lordat	1: 378–81	05-12-1320	07-03-1321	—	4	Manichean heresy	NO	08-03-1321	Prison; simple crosses from 04-07-1322
22	Brune Porcel	Montaillou	1: 382–94	18-01-1320	07-03-1321	—	3	Manichean heresy	NO	08-03-1321	Prison; double crosses from 17-01-1329
23	Bernard Benet	Montaillou	1: 395–409	25-03-1321	20-06-1321	—	5	Manichean heresy. False testimony	YES	—	—
24	Alazaïs Fauré	Montaillou	1: 410–21	01-04-1321	30-07-1321	—	7	Manichean heresy	NO	02-08-1321	Strict prison (chains); released on 17-01-1329
25	Alamande Guilabert	Montaillou	1: 422–8	02-04-1321	30-07-1321	—	5	Manichean heresy	NO	02-08-1321	Strict prison (chains); released on 17-01-1329
26	Arnaud Fauré	Montaillou	1: 429–35	04-04-1321	24-07-1321	—	4	Manichean heresy	NO	02-08-1321	Very strict prison (bread and water); released on 17-01-1329
27	Guillaume Authié	Montaillou	1: 436–41	04-04-1321	30-07-1321	—	5	Manichean heresy	YES	02-08-1321	Very strict prison (bread and water)

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
28	Guillaume Fort	Montaillou	1: 442–54	11-04-1321	01-08-1321	*alii testes*	6	Manichean heresy	YES	02-08-1321	Death at the stake (as a *relapsus*)
29	Raimonde Testanière	Montaillou	1: 455–70	13-04-1321	23-12-1322	—	4	Manichean heresy	YES	29-06-1323	Strict prison
30	Guillelmette Benet	Montaillou	1: 471–81	16-05-1321	30-07-1321	—	7	Manichean heresy	NO	02-08-1321	Strict prison (chains), where he dies
31	Alazaïs den Vernaus	Vernaux, Le Pech	1: 482–7	29-04-1321	30-07-1321	—	3	Manichean heresy	YES	02-08-1321	Strict prison (chains); crosses and pilgrimages from 12-08-1324
32	Mengarde Buscail	Prades d'Alion	1: 488–507	19-05-1321	02-07-1321	—	12	Manichean heresy	YES	02-08-1321	Strict prison; then simple crosses and pilgrimages
33	Jean de Vienne	Diocese of Lyon	1: 508–18	11-08-1319	30-07-1321	—	10	Waldensian	YES	02-08-1321	Death at the stake
34	Huguette de la Coste	Diocese of Lyon	1: 519–32	09-08-1319	30-07-1321	—	9	Waldensian	YES	02-08-1321	Death at the stake
35	Arnaud de Monesple	Monesple	1: 533–6	11-03-1320	??-03-1320	—	3	Cf. no. 3, *fautoria*	NO	08-03-1321	Major pilgrimages

TABLE 1 *The Trials of Jacques Fournier* (cont.)

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
36	Guillelmette Bathégan	Pamiers	1: 537–9	10-03-1320	??-03-1320	—	1	Cf. no. 3, *fautoria*	NO	07-03-1321	Minor pilgrimages
37	Mengarde de Pomiès	Pamiers	1: 540–5	06-03-1320	20-03-1320	—	4	Cf. no. 3, *fautoria*	NO	07-03-1321	Major pilgrimages
38	Raimonde de Saint Bauzeil	Pamiers	1: 546–9	10-03-1320	14-03-1320	—	2	Cf. no. 3, *fautoria*	NO	07-03-1321	Minor pilgrimages
39	Navarre Bru	Pamiers	1: 550–2	10-03-1320	20-03-1320	—	—	Cf. no. 3, *fautoria*	NO	07-03-1321	Minor pilgrimages
40	Guillaume Escaunier	Ax	2: 7–19	14-01-1321	14-01-1321	—	1	Manichean heresy	NO	—	*Nondum habuit sententiam*
41	Arnaud Sicre	Ax	2: 20–81	21-10-1321	07-11-1321	—	2	Informer of Fournier	NO	14-01-1322	Absolved (in as far as not accused)
42	Aude Fauré	Merviel	2: 82–105	15-07-1318	07-08-1318	11	8	*Verba hereticalia*: Doubts about the eucharist	NO	09-08-1318	Confession, fastings, pilgrimages
43	Jean Joufre	Tignac, parish of Junac	2: 106–17	06-02-1322	02-07-1322	—	3	*Verba hereticalia*: Criticism of the Church, blasphemy, usury, tithes, lawfulness of *carnalis concubitus* outside of matrimony	YES	05-07-1322	Strict prison

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
44	Raimond de l'Aire	Tignac	2: 118–34	18-08-1321	06-02-1322	6	3	*Verba hereticalia*: the soul is nothing but blood; Christ was born from the coitus of a man and a woman; criticism of *carnalagium*	YES	05-07-1322	Strict prison
45	Guillaume Agasse	Lestang	2: 135–47	04-06-1321	02-07-1322	—	8	Leper; plot to poison the waters of Christians	NO	05-07-1322 Cimitero S Giovanni	Strict prison
46	Mengarde Savinhan	Prades d'Alion	2: 148–54	28-08-1321	02-07-1322	—	5	Manichean heresy	YES	05-07-1322	Strict prison
47	Pierre de la Font	Vayshis, Ax	2: 155–9	17-12-1321	02-07-1322	4	4	Manichean heresy	YES	05-07-1322	Double crosses and pilgrimages
48	Arnaud Teisseire (v.50)	Lordat	2: 160–9	23-09-1321	02-07-1322	5	4	*Verba hereticalia*: A man can not excomunicate; God does not determine rain and sun; criticism of *carnalagium*	YES	05-07-1322	Prison

TABLE 1 *The Trials of Jacques Fournier* (cont.)

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
49	Guillaume Maurs	Pamiers	2: 170–93	10-10-1321	02-07-1322	—	5	Manichean heresy. *Fugitivus*	YES	05-07-1322	Strict prison and the stocks for false testimony
50	Arnaud Teisseire (v.48)	Lordat	2: 194–220	02-12-1320	+ 20-05-1323	8+2 post-humous	12	Manichean heresy; *maleficia* (posthumous trial)	YES	—	Dies during the course of the trial
51	Raimonde Guilhou	Vernaux, Pamiers	2: 221–34	29-04-1321	03-03-1323	*testes*	11	Manichean heresy	YES	19-06-1323	Strict prison; crosses from 17-01-1329
52	Raimonde Buscail	Prades d'Alion	2: 235–40	18-01-1322	15-05-1322	—	5	Manichean heresy (posthumous trial)	NO	05-07-1322	Exhumation and cremation
53	Jean Rocas	Salvetat	2: 241–54	25-07-1321	+13-06-1323	—	6	Manichean heresy; (posthumous trial)	YES	—	Dies in prison without abjuring: the body is thrown away
54	Guillaume Guilabert	Montaillou	2: 255–57	14-01-1322	25-05-1322	—	(2)	Manichean heresy; *maleficia* (posthumous trial)	NO	05-07-1322	Exhumation and cremation

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
55	Bernard Ourteau	Rabat	2: 258–67	02-03-1322	21-01-1324	2	3	Manichean heresy	YES	12-08-1324	Strict prison; crosses from 17-01-1329
56	Bernard Clergue	Montaillou	2: 268–304	07-08-1310–13-04-1321		6	10	Manichean heresy; impeded the functioning of the inquisition	YES	13-08-1324	Secular branch; converted in strict prison
57	Raimond de Laburat and others	Quié	2: 305–29	07-02-1323	07-02-1323	8	1	Manichean heresy; *sortilegia*; excommunication for failure to pay tithes; invective against the Church	NO	19-06-1323	Strict prison
58	Bernarde Amiel	Rieux, Ax	2: 330–41	02-04-1323	06-04-1323	1	1	Manichean heresy; insults to a penitent heretic	YES	—	—
59	Bernard Gombert	Ax	2: 342–7	07-04-1323	14-04-1323	1	2	Manichean heresy; impeded the functioning of the inquisition	YES	—	—
60	Alazaïs Bourret	Caussou	2: 348–51	30-07-1321	30-07-1321	2	1	Manichean heresy	NO	—	—

TABLE 1 *The Trials of Jacques Fournier* (cont.)

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
61	Guillelmette Bec	Caussou	2: 352–6	22-11-1322	31-01-1323	—		Manichean heresy	YES	19-06-1323	Prison; released under caution because of age and health
62	Raimond Sicre	Ascou, Ax	2: 357–372	03-08-1322	07-10-1322	5	6	*Verba hereticalia*: There is no spirit if not the bread	YES	19-06-1323	Double crosses
63	Bernard Laufre	Tignac	2: 373–8	05-11-1322	—	—	—	*Verba hereticalia*: There is no spirit if not the blood; lawfulness of *carnalis concubitus*	NO	19-06-1323	Double crosses
64	Guillaume Baille	Montaillou	2: 379–97	01-04-1323	01-04-1323	—	1	Manichean heresy; *fugitivus*	NO	19-06-1323	Strict prison; crosses 17-01-1329
65	Raimonde de Pujol	Aston	2: 398–402	04-11-1322	04-11-1322	—	—	Manichean heresy	NO	19-06-1323	Simple crosses
66	Sibille Peyre	Arques	2: 403–29	13-11-1322	02-12-1322	—	2	Manichean heresy	NO	19-06-1323	Simple crosses

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
67	Arnaud Savinhan	Tarascon	2: 430-40	30-11-1322	12-05-1323	3	2	Manichean heresy. Doesn't carry the crosses and doesn't do penance	YES		Strict prison
68	Inquiry of the inquisitor of Aragon	Ylerda, Catalogna	2: 441–68	12-06-1323	22-09-1323	—	—	Manichean heresy; *fugitivi*	NO	—	—
69	Jean Maury	Montaillou	2: 469–519	18-02-1324	04-08-1324	—	—	Manichean heresy; *fugitivus*	NO	12-08-1324	Strict prison
70	Amiel de Rives	Diocese of Rieux	3: 7–13	07-06-1323	07-06-1323	2	1	*Verba hereticalia*: denies the resurrection of bodies	NO	19-06-1323	Prison; then bread and water
71	Arnaud de Verniolles	Le Mercadal, Pamiers	3: 14–50	23-06-1323	01-09-1324	6	3	Sodomy; pretends to be a priest and hears confessions	YES	12-08-1324	Very strict prison and degradation
72	Arnaud de Bédeillac	Bédeillac	3: 51–62	12-01-1324	18-02-1324	2	2	*Verba hereticalia*: the cycle of seasons comes about by nature	NO	12-08-1324	Double crosses and major pilgrimges
73	Raimonde Lizier/Belot	Montaillou	3: 63–74	23-12-1323	07-07-1324	—	3	Manichean heresy	YES	12-08-1324	Strict prison
74	Jean Pellicier	Montaillou	3: 75–88	24-12-1323	22-03-1325	—	6	Manichean heresy	YES	17-01-1329	Prison

TABLE 1 *The Trials of Jacques Fournier* (cont.)

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
75	Guillelmette Argelier	Montaillou	3: 89–98	31-01-1324	12-11-1324	—	5	Manichean heresy	YES	17-01-1329	Prison
76	Raimonde Marty	Montaillou	3: 99–109	12-06-1324	07-07-1324	—	3	Manichean heresy; *fugitiva*	YES	12-08-1324	Large wall
77	Pierre Maury	Montaillou	3: 110–252	08-07-1323	25-06-1323	—	2	Manichean heresy; *fugitivus*	NO	12-08-1324	Strict wall
78	Bernard Marty	Junac, Pamiers	3: 253–95	04-07-1324	04-08-1324	—	2	Manichean heresy; *fugitivus*	YES	12-08-1324	Strict prison
79	Pierre Vidal	Foix (originally from Prades)	3: 296–304	31-07-1322	29-05-1323	5	3	*Verba hereticalia*: sexual relations with prostitutes are not a sin	YES	19-06-1323	Simple crosses; put down on 12-08-1324
80	Rixende Cortil	Ascou (originally from Vayshis, Ax)	3: 305–9	05-08-1324	06-08-1324	—	2	Manichean heresy	YES	12-08-1324	Simple prison; crosses from 17-01-1329
81	Arnaud Authié son of the *haereticus* Pierre Authié	Ax	3: 310–11	27-01-1325	27-01-1325	—	1	Manichean heresy	NO	—	(simple testimony, no trial)

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
82	Bertrand de Taïx	Pamiers	3: 312–330	13-11-1320	22-01-1325	8	—	Manichean heresy; anticlericalism. (Posthumous inquiry)	NO	—	—
83	Pierre Guillaume	Junac	3: 331–45	08-02-1323	24-11-1324	2	5	Manichean heresy; anticlericalism	YES	—	—
84	Aycard Bourret	Caussou	3: 346–55	15-04-1323	15-04-1323	5	1	*Verba hereticalia*: lawfulness of *carnalis concubitus*; invective against the bishop	YES	—	—
85	Gauzia Clergue	Montaillou	3: 356–68	24-01-1325	04-04-1325	—	2	Manichean heresy	YES	17-01-1329	Prison
86	Guillaume Tron	Verdun	3: 369–71	22-04-1325	22-04-1325	—	—	*Falsum testimonium* against an innocent	NO		Perpetual prison (preceding condemnation)
87	Pierre den Hugol	Quié	3: 372–454	09-09-1324	30-09-1324	3	3	*Falsum testimonium*	YES	—	—
88	Pierre Peyre	Quié	3: 377–401	11-09-1324	31-10-1324	2	7	*Falsum testimonium*	YES	—	Prison
89	Jacques Tartier	Quié	3: 402–6	?-09-1324	26-09-1324	—	3	*Falsum testimonium*	YES	—	—
90	Raimond Peyre	Quié	3: 407–37	09-10-1324	01-04-1325	2	8	*Falsum testimonium*	YES	—	Prison

TABLE 1 *The Trials of Jacques Fournier* (cont.)

no.	Name	Place of origin	References JF	Beginning date	End date	no. witnesses	no. interr	Accusation	Prison	Date of sentence	Sentence
91	Pierre Fournier	Surla Tarascon	3: 438–9	03-01-1325	03-01-1325	—	1	*Falsum testimonium*	NO	—	—
92	Guillaume Gauthié	Tarascon	3: 440–2	11-02-1325	18-04-1325	—	3	*Falsum testimonium*	YES	—	—
93	Pierre Lombard	Tarascon	3: 443–4	11-02-1325	14-02-1325	—	2	*Falsum testimonium*	YES	—	—
94	Guillaume de l'Aire	Quié	3: 445–54	21-01-1325	25-02-1325	1	1	*Falsum testimonium*	NO	—	—
95	Pierre Acès	Espla de Sérou	3: 462–6	03-12-1324	09-10-1325	3	2	*Verba hereticalia* about the eucharist; derision of the clergy	YES	—	—

CHAPTER 2

Repressing *secundum iura*. Jacques Fournier, Inquisitorial Procedures and Dissimulation

What means did an inquisitor of the early fourteenth century have at his disposal to identify a heretic? In the first half of the thirteenth century especially, ecclesiastical jurisprudence had established a solid regulatory framework in support of the fight against heretics. It has been the focus of many studies that have reconstructed the events of the medieval inquisition in southern France, the functioning of the courts, the legal basis of the inquisitorial process.[1] But only a closer look at the individual courts can help understand how this legislation applied from occasion to occasion, reconstructing the concrete organization of the ecclesiastical courts, the flexibility in applying the rules, the involvement and the role of different local authorities. Bishop of Pamiers from 1317–26, Jacques Fournier, the Cistercian abbot formed in the schools of Paris and ready to pursue a career that would take him to the summit of the Church, triggered a vigorous campaign of repression of heretics in the territory of his diocese. The court he presided over was the first context in which the bishop undertook to defend the integrity of the faith, before covering new and more prominent positions. In this Chapter I will look at the function of this court, punctuated by a sequence of fixed moments.

The inquisitorial procedure organized the identification of heretics in precise stages and defined the modality of interaction with other local authorities,

1 On the Languedoc inquisition, see the classics Henry Charles Lea, *History of the Inquisition in the Middle Ages*, 3 vols. (London: Macmillan, 1888), 2: 1–112; Yves Dossat, *Les crises de l'Inquisition toulousaine au XIII^e siècle (1233–1273)* (Bordeaux: Bière, 1959); Elie Griffe, *Le Languedoc cathare et l'Inquisition (1229–1329)* (Paris: Letouzey et Ané, 1980); Lothar Kolmer, *Ad capiendas vulpes: die Ketzerbekämpfung in Südfrankreich in der ersten Hälfte des 13. Jahrhunderts und die Ausbildung des Inquisitionsverfahrens* (Bonn: Röhrscheid, 1982); Jean-Louis Biget, *Hérésie et inquisition dans le Midi de la France* (Paris: Picard, 2007). Among the many studies on *processus inquisitionis* see Henri Maisonneuve, *Études sur les origines de l'inquisition* (Paris: Vrin, 1960); Jacques Chiffoleau, "Pratique et conjoncture de l'aveu judiciaire en France et en Italie du XIII^e au XV^e siècle," in *L'Aveu. Antiquité et Moyen Age* (Rome: École française de Rome, 1986), 341–80; Winfried Trüsen, "Der Inquisitionsprozess: seine historischen Grundlagen und frühen Formen," *Zeitschrift der Savigny-Stiftung für Rechtgeschichte, Kanonistische Abteilung* 74 (1988): 171–215; Henry Ansgar Kelly, *Inquisitions and Other Trial Procedures in the Medieval West* (Aldershot: Ashgate, 2001).

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restoring to the tribunal a dimension of public visibility and involving the whole population in the rituals of justice. The judicial procedures articulated the rhythm of the tribunal, but at the same time they came to frame and carve out a method of exercising power: in the marking out of the trial, always identical to itself, the terms of affirmation of an authority were embodied, and took form in the elaboration of a language, in the production of texts, in the establishment of a public ceremonial.[2] If the procedures had a practical value, their function does not end there: they had an impact on the credibility and legitimacy of the court and of the bishop directing it. What was the relationship between the application of the rules and the consolidation of power in a given territory? Did the procedures result in a limitation of the power of the judge? Were they guarantors of justice or rather a large container in which all kinds of abuse could be disposed of? What were the margins of flexibility and personal interpretation of the rules? Looking at the functioning of Jacques Fournier's tribunal we will test categories such as legitimacy and legitimization, at the intersection between norms and assertion of power.

The connection between procedure, modes of exercise of power, and legitimization of the authority which exercises it will be observed on several levels. The relationship between the judge and the accused assumes different characteristics at each stage of the judicial proceedings. The work of the court of Pamiers will therefore be observed progressing through its various stages: the investigation, the calling of witnesses and defendants, the interrogation, the abjuration, the judgment. The repression of heretics in fact passed through a precise regulatory framework that supported both the action of the judge, as well as the defensive reaction of the accused. These were the tools which Fournier and his collaborators had recourse to in order to detect heresy: the inquisition transcripts shed light on the concrete experience of this inquisitorial workshop. But if the judicial procedure set up the rails that directed the identification of heretics, it also defined the space within which the accused attempted to defend themselves. Each stage of the process established the rules and at the same time the possibility of getting around them, of breaking them, of using them to one's own advantage or against an enemy. The procedure opened in all of its phases gaps within which the accused could try, even if with a minimal chance of success, to exonerate themselves. Finally, courts of

2 See *Texts and the Repression of Medieval Heresy*, (ed.) Peter Biller and Caterina Bruschi (York: York University Press, 2003); Andrea Zorzi, "Rituali e cerimoniali penali nelle città italiane (sec. XII–XVI)," in *Riti e rituali nelle società medievali*, (ed.) Jacques Chiffoleau, Lauro Martines and Agostino Paravicini Bagliani (Spoleto: Centro italiano di studi sull'alto Medioevo, 1994), 141–57.

inquisition were not isolated, but interacted with other centers of power and refined tools of self-promotion aimed at the outside world: these instruments were, again, embodied within the judicial procedures.

2.1 Inquest and Preliminary Stages

The trial for heresy began its first movements with an *inquisitio ex officio*. The essence of this procedure characterized the start of the process principally: the initiative was reserved to the bishop or inquisitor, who proceeded to open an investigation (*inquisitio*) on the basis of a defamation. This operation was facilitated by the fact that one or more persons of good reputation could lodge a complaint without having to incur responsibility for this accusation.[3] The secret accompanied the whole of the trial clouding over its early stages. It translated itself into the documents in punctual, but scarcely informative, formulas of summons, which limit themselves to merely recording the existence of a heretical reputation. The data sufficient for the opening of an *informatio* were expressed in formulas of this kind: having heard that there was a suspicion of heresy against someone and that he was publicly defamed, the bishop summoned the suspect heretic and initiated an investigation. In other words, the verification of public fame (*fama*) was a necessary and sufficient condition to give credit to a suspicion of heresy and open the *inquisitio*.[4]

3 The keystone was the constitution *Qualiter et quando* of Innocent III, approved by Lateran Council IV, see *Conciliorum oecumenicorum decreta*, (ed.) Giuseppe Alberigo (Bologna: Istituto per le scienze religiose, 1962), 237–8. On the concept of *fama* see Francesco Migliorino, *Fama e infamia. Problemi della società medievale nel pensiero giuridico nei secoli XII e XIII* (Catania: Giannotta, 1985); Julien Théry, "Fama: l'opinion publique comme preuve judiciaire. Aperçu sur la révolution médiévale de l'inquisitoire (XII^{e}–XIV^{e} siècle)," in *La preuve en justice de l'Antiquité à nos jours*, (ed.) Bruno Lemesle (Rennes: Presses Universitaires de Rennes, 2003), 119–47; Antonia Fiori, "*Quasi denunciante fama*: note sull'introduzione del processo tra rito accusatorio e inquisitorio," in *Der Einfluss der Kanonistik auf die europäische Rechtskultur*, (ed.) Orazio Condorelli, Frank Roumy, and Mathias Schmoeckel, 3: *Strafrecht und Strafprozeß* (Köln: Böhlau, 2012), 351–67.

4 "*Cum pervenisset ad audienciam* reverendi in Christo patris domini Iacobi divina providencia Appamiarum episcopi quod XXX (…) *suspectus esset de heresi et vehementer*, ex quibusdam personis dictis et manifestis, et super hoc diceretur XXX *publice diffamatus*, idem dominus episcopus volens, ut tenetur super hiis suo officio cum dicto et aliis inquirere veritatem, fecit adduci ad suam presenciam XXX, volens, ut premittitur, cum eodem de premissis inquirere veritatem," JF, 2: 82, italics mine.

In the documents drawn up by the notary Guillaume Peyre-Barthe more articulated formulas regarding the nature of the imputation itself recur. They contain a brief summary of the main accusations (*preventio*) collected during the preliminary stages of the investigation. The presentation of the charges was formulated mostly in standardized lists, constructed on the basis of the models outlined in treatises and inquisitorial manuals, with a strong reiteration of formulas.[5] Different wordings are present in the acts drawn up by the notary Guillaume Nadin: the charges disappear, but the fundamental datum remains crucial to opening up the trial: a complaint for heresy determines the summons.[6] If the choice of the formularies lies with the notary, a central figure for the documentary outcome, the common factor between substantially similar formulae is a still not well clarified complaint received by the bishop in relation to heresy: this is the spring that triggers the whole procedure. Although sterile and non-informative, the repetition of such formulas thus had the purpose of endorsing with little basic data, the entire procedure.

The convocation came verbally or through a letter of summons sent to the parish priest of the place in which the suspected heretic resided. Written out in full at the beginning of five reports, these letters are identical, evidently drawn up on the basis of formularies.[7] But there was always room for manipulation and forgery. Forging an inquisitorial letter is not a trivial operation: suffice to know a notary willing to copy, authenticate it with a seal and be able to pay for the operation. Guillaume Maurs had to sell a flock of thirty sheep to free his father and brother, imprisoned for heresy in Carcassonne. He knew a notary from Limoux and two royal servants willing to help him by a counterfeit letter. Apparently, his helpers had some experience in the field: they had already prepared a similar letter against two enemies, succeeding in applying the seal

5 See for example the formula of comparison by Brune Porcel, present in another thirteen trials: "Cum pervenisset ad audienciam reverendi in Christo patris domini Iacobi Dei gratia Appamiarum episcopi, quod Bruna [. . .], *vidisset, adorasset, sermones audivisset hereticorum secte manichee, eorum credens esset, eos associasset, in hereticationibus aliquarum personarum presens fuisset, eis tam de se quam de alieno dedisset et portasset, eos celasset, et promisisset se dictis hereticis*, volens idem dominus episcopus inquirere super premissis, citavit eam," JF, 1: 382.

6 We read this formula from the trial of Jean Pellicier: "Iohannes Pelicerii (. . .) qui *ut suspectus et delatus* de crimine heresis *citatus* fuerat . . .," JF, 3: 75. The same formula appears in about thirty reports drawn up by the same notary, active from 1323.

7 These are the letters of summons of Jacqueline den Carot (JF, 1: 154), Alazaïs den Vernaus (1: 482), Raimonde Marty (3: 99), Guillaume Fort (1: 442), Béatrice de Lagleize (1: 216).

of the inquisitor to it, removed from another letter. But it was the seal that got the two forgers into trouble, who attached it in the wrong place.[8]

Through a single letter, the bishop could summon a number of defendants from the same place.[9] But not everyone showed up at the summons, nor did they care to justify themselves, incurring excommunication. This was the case of the bailiff of Montaillou Bernard Clergue who, summoned by Fournier, failed to show up. The bishop punished him with excommunication and appealed to the civil authorities: Bernard was eventually found by the count of Foix's men, captured and taken to Pamiers.[10] Excommunication also struck Pierre Guillaume, who had ignored the first summons of the bishop; in his case, the measure seems to have worked, seeing that the accused decided to present himself.[11] The same thing happened to Guillelmette Benet, who "did not bother to show up, for which he was excommunicated;" only at a later time would she go to the episcopal court.[12] Rixende Cortil was also excommunicated for failing to respond to the summons, but in her case also they had to proceed to capture.[13]

Secular authorities cooperated in the capture when the suspected heretics evaded the summons, but they also acted proactively when there was the risk of an escape. Raimonde den Arsen was thus captured "because the bishop feared that, once summoned, she would flee."[14] Pierre Acès also, accused of heresy by three witnesses, was captured and taken to Pamiers.[15] The urgency of an arrest must then have been striking in the case of Baruch, a Jew forcibly baptized and then returned to "blindness and Jewish perfidy," who the bishop "had captured and imprisoned."[16] For the same reason four suspects of the Waldensian heresy who lived together in the diocese Pamiers, were also arrested immediately, and were imprisoned together.[17] In view of the importance of their arrest—Raimond de la Coste in fact appears in the documents as 'deacon'—after a first interrogation Fournier decided it was necessary to send the four defendants to

8 JF, 2: 173.

9 As in the case of the six accused from Montaillou, summoned all together in a letter sent in 1321, see JF, 1: 442.

10 JF, 2: 272–3.

11 JF, 3: 331.

12 JF, 1: 471.

13 JF, 3: 305.

14 JF, 1: 370.

15 JF, 3: 462.

16 JF, 1: 177.

17 We are talking about Raimond de la Coste (JF, 1: 40), Agnès Francou (JF, 1: 123), Jean de Vienne (JF, 1: 508) and Huguette de la Coste (JF, 1: 519).

the papal court in Avignon. But John XXII preferred to refer the case back to Fournier, and had the four heretics taken back to Pamiers.

Usually it was Fournier who mobilized his men or the secular authorities to proceed in capturing *fugitivi*. In fact, even if the inquisitorial procedure provided for the possibility of condemning the accused in absentia, flight was the only option to avoid a trial.[18] Sometimes the recourse to an illness, real or simulated, allowed the accused to escape a summons. On the advice of the parish priest Pierre Clergue, Guillelmette Benet from Montaillou avoided answering the summons of Geoffroy d'Ablis in Carcassonne saying she fell down the stairs,[19] while Raimonde Testanière said she was ill so as not to show up at the reading of her own sentence.[20] But mostly those accused of heresy had no other choice except to deal with the trial or abandon everything and attempt flight. Fournier's register contains numerous cases of those accused of heresy who chose the path of departure, hiding, or exile. We know that at least thirteen defendants were captured and arrested as *fugitivi*. It is difficult to measure the margins of the success of these attempts to escape the clutches of the inquisition: having available only the cases that ended with the capture of the fugitives, we can only assume that other attempts, rarely documented, were instead successful.

It should however be noted that Fournier was able to control the diocesan territory in a rather extensive manner, and the cooperation of the count of Foix allowed him to intervene also beyond the territory of Pamiers. There were people who managed to escape from the diocese nonetheless. Béatrice de Lagleize, already questioned by Fournier, decided to flee for fear of a new summons. The doubts about "whether to flee or stand" and the choice of escape are shown in detail in her deposition and in that of her companion Barthélemy, whom the woman asked about what was best for her to do.[21] Béatrice declared herself to be terrified by men she had seen from the bishop's chamber and by the fact that some of her acquaintances had been captured. In addition Fournier threatened her by naming her father, already accused of heresy, and summoned several witnesses against her.[22] When the daughters told her in tears that even the priest had not managed to convince Fournier to grant her grace, Béatrice finally decided to flee. She begged her companion to

18 James Given, *Inquisition and Medieval Society: Power, Discipline and Resistance in Languedoc* (London: Cornell University Press, 2001), 100–8.

19 JF, 3: 145.

20 JF, 1: 464.

21 Béatrice de Lagleize, JF, 1: 214–50 and Barthélemy Amilhac, JF, 1: 251–9.

22 JF, 1: 246.

accompany her to Limoux, where she hoped to hide with a sister. She did not even announce her intention to her daughters: she only confessed weeping to Barthélemy, that she would not have presented herself even if the bishop had given her the whole diocese, and that she would hide in Limoux, where Fournier would not find her, and that sooner or later he would forget about her. Her companion placed money at her disposal, procured animals and a guide for her and accompanied her for half the journey, promising to join her later on.[23]

But the illusions of the fugitive were soon dashed. Fournier sent letters to bailiffs and officials and with their help he managed to track her down. The woman had already left the diocesan territory and had hidden in Mas-Saintes-Puelles when she was finally captured by the bishop's men and the city authorities, to be then brought back to Pamiers. Of course, the flight itself constituted an aggravating circumstance: aware of this risk, Barthélemy had advised her to respond to the summons of Fournier, believing that the flight would be read as an indication of guilt.[24] In fact, the decision to flee came to consolidate the charges, aggravated further by the fact that at the time of her capture Béatrice was carrying some objects that led to the assumption of evil practices: umbilical cords, pieces of fabric stained with blood, grains of incense, a mirror, a pocket knife, the seed of a plant, dry bread and various pieces of linen cloth.[25]

Other heretics departed for a long time, succeeded in covering greater distances, but were eventually caught in the territory of Foix or Pamiers. Guillaume Baille of Montaillou was captured in Sainte Susanne (Pamiers). His being a fugitive was a very long one, because he was missing from Montaillou for almost ten years, traversing paths and grazing pastures in the Pyrenees and pushing on towards the southern slope of the mountains.[26] The routes taken by Bernard Marty were similar, brother of a *haereticus* and admiring supporter of a family from Junac strongly affected by the inquisitorial repression. When, in 1324, he was captured by order of the bishop, his brother was already dead at the stake, his father had been strangled for fear of his informing and the family was divided on either side of the Pyrenees. Alternating between various stays in Catalonia and Andorra, Bernard continued to gravitate around his place of origin, Junac, never opting for a definitive transfer. Despite continued

23 JF, 1: 257–8.

24 JF, 1: 257.

25 JF, 1: 217–8, 246–7. See Emmanuel Le Roy Ladurie, *Montaillou, village occitan, de 1294 à 1324* (Paris: Gallimard, 1975), 220–41, 579–81.

26 JF, 2: 379.

oscillation between distant places, he was finally found in Tarascon and brought to Pamiers.[27]

Fournier could actually proceed to a capture only within the confines of the county of Foix. For this reason, the choice of a distant destination should have ensured the fugitives a greater chance of saving themselves. At the end of the thirteenth century Sicily, and even more northern Italy, accounted for the main destinations sought by Languedoc heretics.[28] Many *boni homines* found refuge in *Lombardia*, so much so that in Languedoc there was an idealized perception of this land, where "evil is not done to heretics, Jews and Saracens, nor anyone that works properly."[29] But at the time of Fournier the escapes of the Languedoc heretics were mainly focused on Catalonia, adjacent to Ariège, but yet far enough away because of the severity of the territory. For many refugees departure by way of the slopes of the mountain was an almost obligatory choice. After the arrest of the *boni homines* Jacques Authié and Prades Tavernier, the arrival of Bernard Gui at Toulouse in 1307 inaugurated an increasingly intensified inquisitorial action.[30]

The intensification of the repression led many to seek refuge elsewhere: Fournier's register retains the core of the most important documents relating to these transfers, consisting of the testimony of six refugees who arrived in the Kingdom of Aragon, between the slopes of the Pyrenees and the Catalan hinterland of Tortosa and Tarragona.[31] Fournier's register contains the reports of a survey conducted in 1323 by the inquisitor of Aragon and transmitted by

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27 JF, 3: 253–95.

28 See Eugenio Dupré-Theseider, "Il Catarismo della Linguadoca e l'Italia," in Id., *Mondo cittadino e movimenti ereticali nel Medio Evo* (Bologna: Pàtron, 1978), 352–3; Annette Pales-Gobilliard, "Passages du Languedoc en Italie à l'occasion du jubilé de 1300," in *Le Pèlerinage*, Cahiers de Fanjeaux 15 (Toulouse: Privat, 1980), 245–55; Yves Dossat, "Migrations en Lombardie," in *Cathares en Languedoc*, Cahiers de Fanjeaux 3 (Toulouse: Privat, 1968), 290–8; Grado Giovanni Merlo, "Circolazione di eretici tra Francia e Piemonte nel XIV secolo," *Provence historique* 27 (1977): 325–34; Caterina Bruschi, *The Wandering Heretics of Languedoc* (Cambridge: Cambridge University Press, 2009).

29 JF, 2: 155–9.

30 To have an idea of the extent of the investigations of the early fourteenth century, one notes that in 1312 Bernard Gui pronounced 225 sentences. Numerous *boni homines* were captured and killed in those years, such as Amiel de Perles, Pierre Authié, Jacques Authié, Prades Tavernier, and Philippe d'Alayrac, see Jean-Louis Biget, "L'extinction de la dissidence urbaine (1270–1329)," in *Hérésie et inquisition dans le Midi de la France* (Paris: Picard, 2007), 206–28.

31 See the trials of Guillaume Maurs (JF, 2: 170–93), Guillaume Baille (2: 379–97), Pierre Maury (3: 110–252), Jean Maury (2: 469–519), Raimonde Marty (3: 99–109) and Bernard Marty (3: 253–95).

him, through the inquisitor of Carcassonne, to Jacques Fournier.[32] Through these documents the recomposition of a small community of exiles along the road that connects Lerida, Beceite, Morella and Sant Mateu, in the diocese of Tarragona, came to light: a group of a unified and solid physiognomy, cemented around the figure of Bélibaste, the last Manichean *haereticus*.

If the Catalan exile offered conditions of greater security, the Pyrenean border turned out, however, to be accessible to the Languedoc inquisition. Where he could not get the count of Foix's armed men to go, Fournier could count on a clever and unscrupulous spy, who had penetrated into the heart of the community of exiles in order to deliver them to the inquisition. Son of Sibille den Baille, a heretic who had died at the stake, Arnaud Sicre hoped to recover the assets of the mother, confiscated following the capture. But for this he would have had to deliver a heretic to the authorities of the inquisition: since there were rewards for the *haereticus* Bélibaste and many refugees from the diocese of Pamiers, Arnaud decided to look for them. With Jacques Fournier's permission and money, Arnaud managed to get in touch with members of the community in exile. He won over their suspicions, met the "good man" and listened to his sermons, integrating gradually into the system of relations of the group. Fournier did in fact authorize him to pretend to be a heretic: what emerges from his long testimony is the exterior look of a spy, projected onto a community forced in turn to conceal their own religious identity and their origins in daily concealment. Winning the trust of their victims was a necessary premise to effect the betrayal. Arnaud eventually proposed to create a marriage between his sister and one of the heretics: during the journey undertaken to conclude the wedding, the group crossed the territory of the count of Foix and were captured there.[33]

The solution of going into hiding or of flight was perhaps the only real alternative to the trial, but it significantly worsened the situation of the accused in case of capture. On the opposite side however, there were those who preferred to give themselves up even before being summoned: a convenient way to anticipate an almost certain summons. We have news of seven defendants who presented themselves spontaneously in Pamiers: some of them agreed to give themselves up together, in order to prevent an imminent summons.[34]

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32 Jacques Fournier inserted these documents in his register, JF, 2: 441–68.

33 See the deposition of Arnaud Sicre, JF, 2: 20–81.

34 As illustrated by the formulas *veniens sponte, veniens absque citatione, veniens gratis, veniens per se ipsum*, recorded in the trials of Alazaïs Fauré (JF, 1: 410), Bernard d'Ourteau (2: 258), Amiel Rives (3: 7), Arnaud Fauré (1: 429), Guillaume Authié (1: 436), Bernard Benet (1: 395), Alamande Guilabert (1: 422).

But the option to give oneself up forced one to deal with the judicial process, albeit with the hope of encountering a softer treatment. There were few ways to circumvent the trial and those who decided to follow them knew what the consequences of failure would be.

2.2 Oath

Immediately after the date of the summons, the formulas of the oath follow in the transcripts. They sanction in a solemn manner the opening of each hearing and are pronounced by the accused, witnesses, and *probi viri* who participated in the various stages of the trial. After Lateran IV, the judicial oath became a mandatory step in the inquisitorial procedure, tying every confession to a pact of truth by transcendent guarantee. Centered on evangelical reasons or opposition to the ecclesiastical hierarchy, the criticism of the oath by many heretical groups forced the Church to equip itself with legal instruments to reaffirm its validity, interpreting the refusal as a sign itself of heterodoxy.[35] So the decretal *Ad abolendam* declared whoever refused to take the oath a heretic, and the Council of Béziers imposed the oath on anyone who came before a court of the inquisition.[36] Those resolutions are fully implemented in the inquisitorial halls.[37] But while the oath became a mandatory step for heretics

35 R. Naz, "Serment judiciaire," in *Dictionnaire de droit canonique*, 7 vols. (Paris: Letouzey et Ané, 1936–65), 7: 975–1001; André Vauchez, "Le refus du serment chez les hérétiques médiévaux," in *Le serment*, vol. 2: *Théories et Devenir*, (ed.) Raimond Verdier (Paris: CNRS, 1991), 257–63; Jean Gaudemet, "Le serment dans le droit canonique médiéval," ibid., 63–75; Paolo Prodi, *Il sacramento del potere. Il giuramento politico nella storia costituzionale dell'Occidente* (Bologna: Il Mulino, 1992), 161–225; Corinne Leveleux-Texeira, "La construction canonique du serment aux XII^e^–XIII^e^ siècles. De l'interdit à la norme," in *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres*, 151.2 (2007): 821–44.

36 Othmar Hageneder, "Il concetto di eresia nei giuristi del XII e XIII secolo," in *Il sole e la luna. Papato, impero e regni nella teoria e nella prassi dei secoli XII e XIII*, (ed.) Maria Pia Alberzoni (Milan: Vita e Pensiero, 2000), 69–130.

37 Thus also Bernard Gui affirms that whoever refuses the oath must be considered a heretic, see *Practica Inquisitionis Heretice Pravitatis auctore Bernardo Guidonis OFP*, (ed.) Célestin Douais (Paris: Picard, 1886), 134. On the oath in the tribunal of Jacques Fournier see Jacques Paul, "Jacques Fournier inquisiteur," in *La papauté d'Avignon et le Languedoc (1316–1342)*, Cahiers de Fanjeaux 26 (Toulouse: Privat, 1991), 43–8; Jean-Marie Vidal, *Le tribunal d'inquisition de Pamiers* (Toulouse: Privat, 1906), 76–115.

called to judgment, attempts to circumvent it also multiplied: in this case also, the definition of the law contained in itself the possibility of its infringement.

Bernard Gui's *Practica inquisitionis* contains the complete set of formulas of the oath that the accused and the inquisitorial staff had to pronounce on the different occasions. Furthermore, the author warns against the heretics who pretend to swear, using ambiguous words, distorting the formulas, or making of the oath a purely external act:

> Then, trembling, acting as if he cannot pronounce the words, he will falter repeatedly in saying them, so that either he or someone else will interrupt and interpose some words, with the result that a straightforward form of oath is not taken but rather a certain jumble of words, which is not juratory, but which gives others the impression that he has taken an oath. Even if he has repeated those words correctly throughout, he mentally means to twist them deceitfully, to avoid using them as an oath, and so deceive those present into thinking that he has sworn (. . .), or else he only mumbles the words of the oath, with no intention of being sworn. But when he is asked whether he has taken oath, he answers, "Did you not hear me swear?"[38]

Next to the words, the validity of the oath was also sealed by gestures; the defendants were required to physically touch the Gospel. If necessary, they were allowed to replace the New with the Old Testament: the Jew Baruch was authorized by Fournier to swear "on the law of Moses."[39] Moreover, in the initial stages of the process, the accused could be released from the oath and be questioned *simpliciter*. But the oath could not be ignored and all defendants had to compulsorily pronounce it.

Around this important step the trials of four accused of the Waldensian heresy and summoned to the court of Pamiers revolved. Each of them firmly rejected the oath: this refusal appeared to defend a principle at first through dissimulation, then with open conviction, never denied, even when faced with the threat of being burned at the stake. In front of the bishop, the four defendants responded similarly, as if following a previously agreed strategy. The first requests to swear were circumvented by resorting to improbable

38 Walter L. Wakefield and Austin P. Evans, *Heresies of the High Middle Ages* (New York: Columbia University Press, 1969), 399. See Jean-Pierre Cavaillé, "L'art des équivoques: hérésie, inquisition et casuistique. Questions sur la transmission d'une doctrine médiévale à l'époque moderne," *Médiévales* 43 (2002): 119–44.

39 JF, 1: 177.

justifications, based on information received by certain religious or a negative event that happened on the occasion of a previous oath. The deacon Raimond de la Coste refused to swear explaining that "once he had undergone an illness due to an oath that he had taken."[40] Agnès Francou affirmed that during an illness a chaplain taught her never to swear and she even averted her look from the book of the Gospels.[41] Jean de Vienne also refused to take an oath on the Gospel of John, explaining that in the past, he fell ill with epilepsy and promised never to swear again. He then added that he heard from some friars that one should not swear.[42] Huguette de la Coste instead hid behind another excuse: once she swore when she was pregnant, she recounted, aborted and a priest then forbade her to swear.[43]

But these explanations did not satisfy the theologically prepared inquisitor, decided to lay bare the deeper reasons for the resistance to the oath through the knowledge of theology and canon law. The attempt to return the accused to orthodoxy could not be made regardless of the oath, around which the interrogation is based. Pressed by the inquisitor's questions, the four heretics admitted from the first sessions that they considered the oath a sin which they are determined to avoid. So said Agnès Francou, explaining that in the past she promised not to swear. The contradiction present in this statement is emphasized by the pressing interrogation: if the bishop absolved her from this promise, would Agnès believe herself absolved? She replied in the affirmative. And so she would swear? "In no way," because swearing is a sin.[44]

Pressed by the admonitions of the bishop, Huguette de la Coste accepted instead to swear at the beginning of the second hearing. This was not enough, however, to convince the inquisitor who decided to make her repeat the oath. It is also recommended in Bernard Gui's *Practica*, in the section devoted to "the artifices and deceptions" the Waldensians resort to when interrogated: he warned that "one oath does not satisfy me, or two, or ten, or a hundred, but as many and taken as often as I may require."[45] In fact, when asked to repeat the oath, Huguette firmly refused, claiming that thus she was conforming to the will of God ("as the Lord has commanded not to swear") and admitting she made an exception in the hope of being released.[46]

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40 JF, 1: 40–1; see also this trial Grado Giovanni Merlo, *Valdesi e valdismi medievali*, 1: *Itinerari e proposte di ricerca* (Turin: Claudiana, 1984), 45–92.

41 JF, 1: 124.

42 JF, 1: 508–9.

43 JF, 1: 519.

44 JF, 1: 125.

45 Wakefield and Evans, *Heresies of the High Middle Ages*, 400.

46 JF, 1: 521.

Facing the stubborn resistance of the four Waldensians, Fournier tried the way of law, informing them that every defendant who refused to swear to tell the truth would be considered a heretic. But conviction prevailed over calculations of the law and the four defendants were determined to avoid the deadly sin they thought they would commit by swearing an oath, at the cost of disobeying the requirements of the Church, and being considered heretics and even incurring the death penalty. Up until the last of ten interrogation sessions Jean maintained that, "his heart told him not to swear."[47] The deacon Raimond said that to force him to swear would have been even graver than forcing other Christians, because he was aware that would be committing a mortal sin.[48] As confirmed by the judgments of Jean and Huguette, delivered on 2 August 1321 and containing an accurate summary of the trial, the refusal to take the oath is read by the bishop as a lack of obedience to the Roman Church and its leadership. The oath hence becomes the fulcrum of a judicial process in which the superiority of the precepts of God over those of the pope are discussed. The four Waldensians tried by Fournier are willing to recognize the word of God alone as binding, explicit in the precept of not swearing.[49]

2.3 *Informatio* and *preventio*

The protection of the confidentiality of investigations is a central aspect of inquisitorial procedure: this is completely to the advantage of those who conduct the *informatio*, because those who presented accusations were guaranteed to be protected by anonymity. The importance of keeping secret the names of the witnesses was reiterated by councils held in Languedoc around the middle of the thirteenth century, during which a coherent and comprehensive legislation on inquisitorial matter was developed.[50] So anonymity was assured in Pamiers also with a certain rigor, even in the presence of pressure in the opposite direction: a man as influential as the bailiff of Montaillou, Bernard Clergue,

47 JF, 1: 517.

48 "... quia ipse habet conscienciam de non iurando propter dictum preceptum. Multi autem alii sunt qui talem conscienciam non habent de non iurando, quibus si precipperetur vel eciam cogerentur quod iurarent, non tamen peccaret precipiens vel cogens eos iurare sicut precipiens et cogens iurare dictum Raymundum," JF, 1: 52–3.

49 *Le livre des sentences de l'inquisiteur Bernard Gui, 1308–1323*, (ed. and trans.) Annette Pales-Gobilliard, 2 vols. (Paris: CNRS, 2002), 2: 1264–74.

50 Canon 22 of the Council of Narbonne (1243), and 10 of the Council of Béziers (1246) are identical: "Illud autem caveatis secundum providam Sedis Apostolicae voluntatem ne testium nomina verbo vel signo aliquo publicentur," see Maisonneuve, *Études sur les origines*, 300.

did not succeed in getting Fournier to reveal the identity of his accuser. He refused to confess until the names of his accusers were revealed to him, but the claim was ignored because, as Fournier explained to him, breach of anonymity "was not in the habit nor in the style of the office of the inquisition."[51]

The information could be collected and recorded in various ways. The transcripts of the inquisitor of Carcassonne Geoffroy d'Ablis (1308–09), for example, do not bear any traces of the use of witnesses. In the seventeen trials stored in his register, the accused themselves are to provide information about themselves and the people with whom they interacted. This results in long lists of names of people variously involved in the heresy of the 'good Christians.' The length of these lists is sometimes surprising: sixty names appear in the confession of Guillaume de Rodes, the grandson of two *boni homines*.[52] The notary Pierre de Gaillac was allowed to write his own deposition in person: there he listed forty-two names, ordered by place of origin and indications of ties of relationship.[53]

By contrast, in Fournier's register the statements of witnesses summoned only as such (*ut testes*) are also preserved. Far from being reduced to a bare list of names, their testimony is divided into detailed stories. They report the words of the accused, often followed by the negative comments of those present: reiterating that it was *mala verba*, the witnesses tried to emphasize their distance from all the 'errors' denounced. Sometimes the bewilderment in the face of certain suspect opinions is reported in direct form and in the vernacular. A witness said he reacted with horror when faced with certain words on the Eucharist, alluding to the death at the stake imposed on heretics: "Via fora a foc, a foc!"[54]

The entire *informatio* is preserved only in thirty trials, while in most cases the confession of the accused alone is recorded. It is difficult to imagine that in all the other cases Fournier did not consult witnesses: more likely, the notaries did not copy their depositions.[55] In many cases, the absence of witnesses is due to the fact that the inquisitor collected information through the cross confessions of the defendants, called to testify about themselves and their acquaintances.

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51 JF, 2: 301–2.

52 GdA, 134–63.

53 GdA, 338–41.

54 "Out, to the fire, to the fire!" JF, 2: 89.

55 This emerges for example in the reports of Guillelmette Bec: of her trial only the confession is kept, but Fournier alludes to what was found "per testes receptos contra eam," JF, 2: 352.

So the confessions of many heretics of Montaillou interconnect because of the news given about family and acquaintances: of twenty-five cases against the inhabitants of this village, only two report the statements of witnesses: the confessions constituted a privileged way to gather information.

On the other hand, the statements of witnesses recur more frequently in those cases that elude the traditional heretical profiles. Half of the trials for which witnesses are recorded regard opinions as equidistant from catholic orthodoxy as from the traditional heresies: they have to do with criticism of the Church and its ministers, sexual laxness, religious doubts of various kinds. The absence of theoretical references offered by manuals and anti-heretical treatises made the consultation of witnesses even more appropriate to verify the extent of these errors: released as it was from predefined questionnaires, the inquest carried out in these cases was particularly meticulous. Among these are included testimonials such as those offered by the five defendants called to testify against Arnaud Gélis.[56] He claimed to meet and accompany the souls of the dead in nocturnal journeys. Having believed him and having consulted him on the fate of their loved ones, all five witnesses are charged at the same time as *fautores* of the same heresy. There were no instructions in the manuals related to similar beliefs: here then the depositions meander freely, released from the grids of the questionnaires. Due precisely to the absence of these references, their function becomes instrumental in putting together the charges.

More than 140 witnesses in total were heard by the bishop of Pamiers.[57] Among these the role of the clerics was important: a direct channel between the bishop and the faithful, they were among the first witnesses to be consulted. It was two priests who testified against Jacqueline den Carot.[58] The perpetual vicar of the church of Verdun and the rectors of Lordat and Pech testified against Arnaud Teisseire.[59] The rector of Orlu and a master of Ax tell Fournier of a journey between Tarascon and Ax, during which they met Pierre Vidal, provoking him on sensitive moral issues.[60] Certainly, the involvement of religious men in the role of witnesses raised questions about the legitimacy of

56 See the trials of Arnaud Gélis (JF, 1: 128–43); Mergarde de Pomiès (1: 540–5); Arnaud de Monesple (1: 533–6); Guillelmette Bathégan (1: 537–9); Raimonde de Saint Bauzeil (1: 546–9); Navarre Bru (1: 550–2).

57 I refer to Vidal, *Le tribunal d'inquisition de Pamiers*, 136–41.

58 JF, 1: 151–3.

59 JF, 2: 160–9; 2: 194–220.

60 JF, 3: 296–304; cf. Chapter 4.1, 119–20.

violating the sacramental seal of confession in favor of a cause in the external forum: if on the one hand, the parish priests are ideal witnesses because of their privileged access to the consciences of the faithful, on the other hand they could not violate the secrecy of the confessional, transferring its contents into the inquisitorial arena.[61]

While the consultation of witnesses widened the possibility of gathering information, it opened the way on the other hand for a manipulative use of informers. The procedure of inquisition possessed the appropriate steps to push an accused to confess, but left some loopholes into which fiction, simulation and falsehood penetrated. Precisely because the witness statements were crucial to the establishment of the proof, they could be used to exonerate oneself or to hit personal enemies. It goes without saying that the only condition that a trace of these attempts was conserved was their failure: they are recorded only if the inquisitor himself recognized them as *falsum testimonium*.

In the summer of 1324 Fournier opened an investigation involving nine defendants implicated in a case of perjury. Witnesses reported the details of a conversation during which two defendants were discussing the possibility of confessing in Pamiers: "If you tell the truth, we are all lost!" and the companion replied: "If I do not tell the truth the Lord Bishop will notice and then it will be trouble for all of us."[62] When the two were summoned by Fournier, 'the truth' in fact, was late coming to light: only during the sixth hearing did one of the defendants begin to give way, admitting he took part in a conspiracy aimed at giving false witness. It was the notary Pierre de Gaillac who took the initiative, trying to involve him in a plan for revenge against the enemy Guillaume Tron, another notary. Along the road to Tarascon, had said to him:

> I want to get master Guillaume Tron of Tarascon into real trouble, because I can not be present in any court where he also is without him criticizing me and therefore I want to see him destroyed or hanged. And so, even if I know that my soul will encounter a hundred thousand devils for this,

61 On the contiguity between internal and external forum see Paolo Prodi, *Una storia della giustizia. Dal pluralismo dei fori al moderno dualismo fra coscienza e diritto* (Bologna: Il Mulino, 2000), 59–106; Elena Brambilla, *Alle origini del Sant'Uffizio. Penitenza, confessione e giustizia spirituale dal medioevo al XVI secolo* (Bologna: Il Mulino, 2000), 89–110; Brambilla, *La giustizia intollerante. Inquisizione e tribunali confessionali in Europa* (*secoli IV–XVIII*) (Rome: Carocci, 2006), 41–65; Christine Caldwell Ames, "Dominican Inquisitors as 'Doctors of Souls:' The Spiritual Discipline of Inquisition, 1231–1331," *Heresis* 40 (2004): 23–40; Jacques Chiffoleau, *La Chiesa, il segreto e l'obbedienza. La costruzione del soggetto politico nel Medioevo* (Bologna: Il Mulino, 2010).

62 JF, 3: 372–3; see Given, *Inquisition and Medieval Society*, 156–63.

> I intend to take revenge against him, accusing him according to the truth or wrongly of the crime of heresy, to get him into trouble and destroy him.[63]

Tron's arrest would have resulted in significant benefits to his enemies, giving them control of all the courts of the Sabarthès.[64] Although linked to the secular courts, the conspirators believed that the ecclesiastical court would have allowed them to strike the enemy with greater ease: in this seat Tron would find himself isolated and easily indicted. Pierre de Gaillac thus suggested that an entire group of false witnesses should go to Carcassonne to testify that they saw Tron in the house of Guillaume de l'Aire, where a "good man" was hosted. The participants in the conspiracy knew very well that, according to the rules of the inquisition, statements of at least two eyewitnesses were necessary in order for the accusation to carry weight.[65] Knowledge of the procedure was in fact functional to the success itself of the *machinatio*. Thus, Pierre de Gaillac tried to involve other enemies of Guillaume Tron in the plan. Apparently the search for accomplices was not difficult: not only because the notary had many enemies, but also because it was known that the Church never revealed the names of witnesses. Among these were Guillaume de l'Aire, who by his own admission, would gladly have seen Tron in prison. Pierre de Gaillac convinced him by presenting him with a false letter of summons on the basis of which the inquisitor of Carcassonne demanded his deposition against Tron. The forgery of a letter results therefore in false witness: attempts to circumvent the determinism of the inquisitorial procedure were linked at several levels.

The plan was then developed in great secrecy: the accomplices met in a field, agreed on the deposition, signed up to the agreement swearing an oath to keep the secret. As was evident, "if it came to be known, serious harm would have come to all."[66] The *falsum testimonium* was conceived in order to lead with certainty to the imprisonment of the enemy: the assumed witnesses would accuse Tron of seeing heretics and making the *adoratio*.[67] Questioned by Fournier,

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63 "Ego volo confundere omnino magistrum Guillelmum Tron de Tarascone quia non possum esse in aliqua curia ubi ipse sit, quod non vituperet me, et propter hoc ego vellem videre eum destructum vel suspensum. Et propter hoc, si ego scirem quod propter hoc anima mea iret ad centum milia diabolorum, ego me intendo vindicare de eo, imponendo ei crimen heresis vere vel false, ad hoc ut eum confundam et destruam," JF, 3: 390.

64 JF, 3: 413.

65 "Non sufficit in facto heresis quod unus testis deponat contra aliquem," JF, 3: 415.

66 JF, 3: 397–8.

67 JF, 3: 420.

Raimond Peyre recounted the details of the false statement. He had gone with Pierre de Gaillac to Carcassonne and here the inquisitor left them alone with the notary, to whom the two made the deposition. This was read back again immediately afterwards in the room of the inquisitor, in the presence of four Dominicans and the jailer: the text, recorded in Carcassonne, was later also filed in the transcripts of Pamiers.[68]

Tron was thus arrested the following month in Carcassonne. However, there must have been some leak of information that pushed Fournier to go to Carcassonne to investigate on the witnesses' account. He then summoned eight men to Pamiers, subjecting them to a close and insistent questioning. To shed light on the intricate event, in which truth and falsehood were deliberately blurred and confused, the bishop compared the new statements with those of Carcassonne, jailed the defendants, called them together to compare *in facie* the inconsistent confessions, and pressed them with questions designed to bring out the contradictions.[69]

Bernard Clergue also tried to co-opt false witnesses. As we have seen, he occupied a prominent position in the village of Montaillou: bailiff and brother of the village parish priest Pierre Clergue, he belonged to a family that the inquisition believed to be involved in the Manichean heresy. Fournier was able to arrest his brother, the priest, accused of sympathizing with heretics and having had sexual relations with several women in the area. After this arrest, Bernard had to defend himself against accusations of heresy, but above all he tried in every way to exonerate his brother.[70]

The trial of a wealthy and influential man presents interesting peculiarities. Not only was Bernard convened nine times before Fournier, but he had already been questioned by Geoffroy d'Ablis in 1310 and Jean de Beaune in 1321. In these two circumstances Bernard was able to attenuate the gravity of his position, blaming his mother-in-law for the involvement in the heresy itself. So in Carcassonne he was released without difficulty.[71] When he was summoned again to Pamiers, the bailiff did not show up on the agreed date and was excommunicated, then captured and imprisoned. He still managed to

68 JF, 3: 421–2.

69 JF, 3: 372–454.

70 JF, 2: 268–304; Le Roy Ladurie, *Montaillou, village occitain*, 88–107, 220–41; Matthias Benad, *Domus und Religion in Montaillou: Katholische Kirche und Katharismus im Uberlebenskampf der Familie des Pfarres Petrus Clerici am Anfang des 14. Jahrhunderts* (Tubingen: Mohr, 1990), 331–7; Given, *Inquisition and Medieval Society*, 99–100.

71 The register of Geoffroy d'Ablis does not keep this deposition, reported instead in JF, 2: 268ff.

bend the process in his favor, having himself released on payment of bail. He also managed to get the keys to the cells from the wife of the jailer, gaining free access to the prison of the inquisition. Penetrating into the prison of Allemans meant he could attempt to corrupt inmates, playing on the privileged position that a free and influential man must have had in their eyes. The main purpose of Bernard was to save his brother, forcing his accusers to recant. But all his efforts failed: Fournier came to know of Bernard's attempted bribery and consulted some detainees about him. The register of Pamiers, therefore, contains the unusual story of six prisoners who report to the bishop the details of the designs of corruption of the bailiff: from this extraordinary evidence the condition of the prisoners emerge, the pressures exerted on them, the possibility of communication between walls not always able to perform a function of isolation.[72]

Barthélemy Amilhac was a priest and during his detention Bernard spoke to him in secret, pretending to confess: he promised him a sum of money that would improve his condition forever, hoping he would convince Béatrice de Lagleize to retract the details of her relationship with the priest Pierre Clergue. The bailiff then turned to Béatrice and three other detainees who like her had allowed themselves to be seduced by the priest. Among these was Alazaïs Fauré: Bernard hoped to get her to recant now threatening and offending her, now promising money or the release of her husband. Alazaïs replied crying that she and the curate knew well what they did, but her resistance unleashed the anger of the bailiff: "You said you were my brother's lover to get him into trouble, but you've never been his mistress!"[73] Bernard also spoke with the mother of Alazaïs, but again he only got a refusal. Even Grazide Lizier and her mother Fabrisse made long depositions, in which they told Fournier of the long relationship between the priest and Grazide, which continued even after the marriage of the young woman. To them the bailiff promised their release, again without any success. Finally he tried to talk to Raimonde den Arsen from the door of the room adjacent to the tower, in which the women were held.[74]

All that Bernard could do to exonerate the priest of Montaillou therefore was to apply leverage to the witnesses, hoping that the inmates would withdraw their complaints, stating that they had been pushed into denouncing the false. The bailiff attempted to bribe witnesses and officials, and even friends and

72 Barthélemy Amilhac (JF, 1: 251–9); Béatrice de Lagleize (1: 214–50); Alazaïs Fauré (1: 410–21); Alamande Guilabert (1: 422–8); Grazide Lizier (1: 302–6); Raimonde den Arsen (1: 370–7). See also the reports of Bernard Benet (1: 395–409) and Raimonde Testanière (1: 455–70).

73 JF, 2: 288.

74 JF, 2: 295–6.

relatives of Fournier, in the hope that the intercession of the powerful would make the release of his brother possible. He donated a mule to Constance de Mirepoix so that she would ask the bishop to release the priest and even managed to get four letters from cardinals, but Fournier did not consider them. While revealing itself corruptible at various levels, episcopal justice had a very steadfast leadership in Pamiers: Bernard had to conclude that "the bishop is an evil person and there one pleads in vain." He could still benefit from some flexibility in the application of the procedure. The bailiff was entitled to know the contents of the depositions given against him, while they remained anonymous, and was granted—the only case in the whole register—the support of a lawyer. The overall length of his trial is also indicative: without considering the previous hearings of Carcassonne, it lasted almost three years and four months. Even if the bishop failed to get a full confession, he was able to gather important information from the other witnesses. The bailiff, already tried in Carcassonne, was first condemned as an unrepentant heretic and recidivist to the secular arm, but his sentence was later commuted to one of confined prison.[75]

The statements of the witnesses had evidently a central weight in posthumous trials, constituting the only way of proving a defamation. A posthumous investigation opened in 1322 concerning the case of the young Guillaume Guilabert, who died of illness following the *consolamentum*. However, when the bishop sent a letter of summons to his descendants, relatives and heirs, no one showed up to defend the deceased.[76] A few days later, Fournier opened a similar investigation regarding Mengarde Buscail, who died after the *consolamentum*, but also in this case, no one showed up to defend her. The two cases were closed in May of the same year with a judgment of exhumation and posthumous cremation.[77] The posthumous investigation could then be the natural continuation of a regular trial, where the accused died before the judgment. This happened to Jean Rocas, who lost his life in the prisons of the inquisition without expressing any sign of repentance. Again in this case no one showed up to defend the accused, nor participated in the sermon general to hear the sentence: as is clear in this case, the urgency to be present to exonerate a dead person was certainly lesser than that of getting oneself safely cleared.[78] But

75 "Le registre DDD de l'inquisition de Carcassonne," (ed.) Jean Duvernoy, in Id., *Catharisme, hérésie médiévales et inédits*, http://jean.duvernoy.free.fr; "Sermon de Pamiers, 8 mars 1320," ibid.

76 JF, 2: 255.

77 JF, 2: 235–40.

78 JF, 3: 312–30.

it was sometimes possible to collect many testimonies even in posthumous cases: in the investigation against Bertrand de Taïx, accused of having adhered to the Manichean heresy, Fournier was able to hear as many as eight witnesses.[79]

2.4 Proof, Confession, Memory

Like all judicial proceedings, the inquisition also had its central moment in the establishment of a proof. With the Fourth Lateran and the abolition of ordeals, the procedure based on the *inquisitio* increasingly identified the depositions of witnesses and the confession of the accused as the main evidence of proof. The *probatio plena* was constituted by the true and complete confession of the accused, eventually replaced or accompanied by statements of at least two eyewitnesses. In the ecclesiastical courts, the confession was a fundamental step towards repentance, abjuration and punishment, elements that allowed the reconciliation of the heretic within the system of orthodoxy. The consultation of witnesses whose names could not be disclosed to the accused became therefore a decisive factor in order to verify the completeness of the confessions and establish elements of certainty within a trial.[80]

The establishment of the courts of inquisition in Languedoc and the parallel elaboration of the procedure at a conciliar level offered a boost to the new system of proof. Thus, even the Councils of Narbonne and Béziers stressed the necessity of confession or at least other clear and obvious evidence in order to proceed towards a condemnation.[81] The centrality of the confession to obtain a proof was not entirely taken for granted, if we consider that only in 1232—one year before the establishment of the inquisition in France—the count of Foix and the abbot of Saint-Antonin stated in the customals of Pamiers that

79 JF, 3: 312–30.

80 On confession as proof in the medieval *inquisitio* see Jean-Philippe Lévi, *La hiérarchie des preuves dans le droit savant du Moyen Âge depuis la Renaissance du Droit Romain jusqu'à la fin du XIV^e siècle* (Paris: Librairie du Recueil Sirey, 1939), 67–105; John Gilissen, *La preuve en Europe du XVI^e au début du XIX^e siècle* (Bruxelles: Éditions de la Librairie Encyclopedique, 1964); Chiffoleau, "Pratique et conjoncture de l'aveu judiciaire;" Raoul Charles Van Caenegem, "Methods of Proof in Western Medieval Law," in *Legal History: A European Perspective* (London: Hambledon Press, 1991), 71–113; Richard M. Fraher, "IV Lateran's Revolution in Criminal Procedure, the Birth of *inquisitio*, the End of Ordeals and Innocent III's Vision of Ecclesiastical Politics," in *Studia in honorem eminentissimi cardinalis Alphonsi M. Stickler*, (ed.) Rosalio José Castillo Lara, (Rome: Ateneo Salesiano, 1992), 97–111.

81 Maisonneuve, *Études sur les origines*, 287–366.

they would not have forced anyone to undergo a duel, or the test by water or fire.[82]

As we have observed for other occasions of the inquisitorial process, both the rules and the attempts to circumvent them rotated also around the link between evidence and confession. Pressured by the interrogation, the suspect heretics shaped their depositions before the court, recalling what they had personally seen, heard, done and believed. It goes without saying that a number of factors characteristic of an environment of pressure and violence interfered in the development of the confessions, producing a narrative that is not coincident with the memory of what happened. A reflection of the dialectical relationship between judge and defendant, the confession derives from a process of selective narrative in which both actors are also involved, with opposite intentions and strategies.[83] But how do these accounts constitute a proof? To what extent do they meet the expectations of the judge and how does the inquisitor set about verifying their reliability? One of the basic assumptions underlying the process of identification of heretics is that they try to hide their errors rather than declare them openly: Bernard Gui talks about this in *Practica inquisitionis* and does so at length. As we shall see in Chapter 6, Jacques Fournier also does in his *Postilla super Matheum*. Consequently, the inquisitor must arm himself with the right tools to elicit their innermost convictions. The words of the accused are then subjected to some of the main methods of verification: the multiplication of hearings, cross-checking with the depositions of the witnesses, the search for compliance with the models offered by the anti-heretical tracts.

Fournier's register documents nearly six hundred hearings held in about seven years.[84] The duration of the process (from the first hearing to abjuration) and the average number of interrogations per defendant are indicative of a very sustained pace of work. Fournier devotes an average of 4.4 hearings for each defendant, against the 3 of Geoffroy d'Ablis. At Pamiers interrogations are overall more numerous, but are completed in significantly less time than was the case a few years earlier in Carcassonne: Fournier's trials last on average 139 days, compared with the 215 days of Geoffroy d'Ablis's trials. The figure is

82 Claude Devic and Joseph Vaissette, *Histoire générale de Languedoc* (Paris: Privat, 1872–1892) (henceforth *HGL*), 6: 937.

83 See Caterina Bruschi, "*Magna diligentia est habenda per inquisitorem*: Precautions before Reading Doat 21–26," in *Texts and the Repression of Medieval Heresy*, (ed.) Biller and Bruschi, 80–110.

84 See Vidal, *Le tribunal d'inquisition de Pamiers*, 116; and Given, *Inquisition and Medieval Society*, 58–61.

even more surprising when it is considered that Fournier is distinguished from other inquisitors for direct participation in all stages of the judicial process. Geoffroy d'Ablis delegated the first hearings to his lieutenants, and personally interviewed the accused only during subsequent sessions. Fournier instead presided over each hearing, with only ten exceptions.[85]

The relationship between the witness statements and the confession of heretics illustrates what impulse the judicial procedure exercised on the control of confessions. A *confessio plena* did not necessarily provide new information with respect to that already held by the inquisitor, but first had to demonstrate the *preventio*, extracted from the statements of the witnesses. The accused fulfilled the expectations of the inquisitor in so far as he made reference to such information: pressured by the interrogation, he was led to prioritize certain elements in place of others. There being no other option except to confirm at least part of the main charges or risk being considered unrepentant heretics, defendants tended to shape their confessions on the basis of the inquisitorial expectations.

We can observe this closely in the case of Guillelmette Benet, tried in Pamiers between 1320 and 1321. The core of the charges is immediately defined during the course of the *informatio*: three witnesses report under oath that according to the defendant the human soul is nothing but blood and nothing remains after death of the body. Guillelmette in fact saw someone die uttering a sigh, but did not see the soul leave the body: she concluded that "death is nothing but wind."[86] The *errores* of Guillelmette, extracted from the statements of three witnesses, are listed at the beginning of the report and the interrogation hinges on these throughout. The defendant claims not to remember at first, asking the bishop for time to reflect. The next day the charges were read in the vernacular, but she denied everything. A subsequent detention lasting about a month finally succeeded in expediting the awaited confession. Guillelmette once witnessing the death of a child, saw him emit one last breath, but did not see the soul leave the body. Also, the view of some decomposing bodies had further convinced her that the soul dies with the body. She concluded that the souls of men, women and even of the saints expire with the death of the body, as animals die when they lose their blood: after the first resistances, the allegations of the witnesses were fully confirmed. As noted earlier, the impact of *preventio* on the structure of the confessions is particularly evident in cases of atypical or popular beliefs, such as those just presented: the absence of

85 Vidal, *Le tribunal d'inquisition de Pamiers*, 75–84.

86 JF, 1: 260–2.

formalized questionnaires anchor the interrogation to the statements of the witnesses.

We can observe the same relationship between testimony and confession in the case of Bernard Francou. He was summoned in 1320 for having publicly uttered words related to the *manichean* heresy.[87] In that he was a *clericus*, his case was followed with particular attention: the accused was heard in seven hearings and as many as eight witnesses who had heard him speak in Goulier were summoned. The witness statements coincided with each other and on this basis the bishop formalized the prosecution in five articles: there are two gods, one benign and one malignant; the first created souls, the other bodies; this world is not ruled by the benign god; nor by divine providence, but chance governs the world; and everything happens in the world "by necessity of nature" and not by free will.[88] Bernard confesses his errors gradually: after he has been interrogated twice, he admits that he always believed that there were two gods. The confession was developed in great detail: the good god, Bernard believed, made the world and the creatures, while the evil one destroyed it; only the incarnation of Christ led to the defeat of the evil god, who was captured and chained and made to dwell in darkness; hidden in the womb of Mary, Christ defeated the devil, like the pelican, who managed to save her children from an animal by hiding and capturing it.

During a subsequent hearing the defendant adopted a completely different line, arguing that he had always believed in one god. But the statements of the eight witnesses agreed with each other and left no room for doubt: Bernard was lying and is considered a "manifest and unrepentant heretic."[89] About twenty days of hard imprisonment followed and during the subsequent hearing the accused, questioned in depth, went back on his steps. At the end of the trial, Bernard had not only admitted the five counts, but the number of errors found by Fournier has risen to seventeen. The comparison with the statements of the witnesses, the addition of new hearings and the pressure of the interrogation worked in favor of more and more detailed confessions, sometimes offering unexpected results.[90]

Specific manuals, compiled to support the inquisitor during the interrogations, offered guidelines to urge the accused to confess.[91] Looking at the

87 JF, 1: 350–69.

88 JF, 1: 355.

89 JF, 1: 359–60.

90 JF, 1: 360–4.

91 On manuals for inquisitors see Lorenzo Paolini, "Il modello italiano nella manualistica inquisitoriale (XIII–XIV secolo)," in *L'inquisizione*, (ed.) Agostino Borromeo (Vatican

records of the inquisitorial trials one may notice a strong similarity, even expressed by the same formulas, between the items listed in the manuals and the contents of the confessions. We will return to Jacques Fournier's questionnaire in Chapters 3 and 4. It is enough to point out here that the very existence of a theoretical model of reference had a strong impact on the outcome of the confessions. Referring to these theoretical model, the inquisitors pursued confessions in accordance with them: they urged the defendants to talk about certain things rather than others and selected, in their accounts, those that best corresponded to the reference model. Central in this work of selection was the role of notaries, responsible for careful annotation and translation of the confessions. Through the repetition of formulas and narrative modules, documentary production determined a further selection and reorganization of information: tracts and formularies frame the passage of the confessions, released orally and in the vernacular, within the new cultural and semantic framework of the official document in Latin.[92]

More than offering additional elements, the confession had therefore to substantiate the information already held by the inquisitor. Looking for a proof, the inquisitor did not so much pursue the discovery of new elements, as much as the confirmation of those already known: a confession was considered true and reliable especially if modeled according to a predetermined heretical profile. On the one hand, such a profile is fixed in the tracts that describe the beliefs and rituals of the major heretical sects. On the other hand, the depositions of the witnesses lay down the guidelines for the investigation: the inquisitor ultimately tried to get a *confessio* that confirms as much as possible the contents of the *preventio*. The inquisitorial procedure thus played a central role on the outcome of the confessions, leaving no other option to the accused but to confirm the charges or risk being considered unrepentant.

As we shall return several times to observe, Fournier's register leaves space for a remarkably detailed narrative that sheds light on the entire context in which facts and heretical beliefs originated. But the explosion of detail that

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City: Biblioteca Apostolica Vaticana, 2003), 95–118; Riccardo Parmeggiani, "Un secolo di manualistica inquisitoriale (1230–1330)," *Rivista internazionale di diritto comune* 13 (2002): 229–70; Id. (ed.), *Explicatio super officio inquisitionis. Origini e sviluppi della manualistica inquisitoriale tra Due e Trecento* (Rome: Edizioni di Storia e Letteratura, 2012); L. Sackville, "The Inquisitor's Manual at Work," *Viator* 44.1 (2013): 201–16.

92 On the relations between authority and textuality see John H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia: University of Pennsylvania Press, 2001), 86–7; Given, *Inquisition and Medieval Society*, 25–51; *Texts and the Repression of Medieval Heresy*, (ed.) Biller and Bruschi.

characterizes the Pamiers depositions was not enough to change the ultimate meaning of the interrogations: the vibrant mountaineer universe described in Fournier's register is still functional in supporting the link between pre-defined models of heresy, testimonies and confessions.

2.5 Persuasion and Coercion: How to Get a Confession

To push a suspected heretic to confess, the ecclesiastical judges alternated interrogation techniques and admonition with more coercive methods.[93] Notaries often report these methods, with the intention of showing that the inquisitors have acted in conformity with the procedure without leaving any stone unturned to obtain a confession. As we shall see in Chapter 6, beginning with the Gospel of Matthew, Fournier himself provides a theoretical justification for the gradual shift from *persuasio* to *coercitio* towards heretics.

In fourteen trials we see Fournier recurring to the teaching of Catholic doctrine in the course of the hearings, as if he attributed the appearance of an error or deviant behavior to the lack of knowledge of the orthodox doctrine.[94] Guillaume Fort denies for example that the human body can rise to new life, claiming that the souls of good will go to heaven, while the wicked will be precipitated by the demons on to cliffs and chasms. Fournier attempts to correct similar beliefs by instructing the accused.[95] Grazide Lizier's case is the same, tried for an incestuous relationship with the parish priest Pierre Clergue and a supposed adherence to the *manichean* heresy. Grazide said that "she did not believe she had sinned," although she was tied to her lover by blood relationship, since they both derived pleasure from this union and she did not know that such an act would displease God. Instructed *de contrario*, the defendant finally declared herself convinced that any sexual relationship outside of marriage is a mortal sin.[96] Similar traits appear in the trial of Alazaïs den Vernaus, who declared that she did not believe she had sinned by sending gifts to the

93 Raoul Manselli, "De la *persuasio* à la *coercitio*," in *Le Credo, la morale et l'inquisition en Languedoc au XIII^e siècle* (Toulouse: Privat, 1971), 175–97; Edward Peters, *Inquisition* (Berkeley: University of California Press, 1989), 40–73.

94 Trials of Jean de Vienne (1: 508–18); Raimond de la Coste (1: 40–122); Jean Rocas (2: 241–54); Bernard d'Ourteau (2: 258–67); Raimond de l'Aire (2: 118–34); Arnaud Savinhan (2: 430–40); Jean Maury (2: 469–519); Huguette de la Coste (1: 519–32); Alazaïs den Vernaus (1: 482–7); Raimonde Testanière (1: 455–70); Guillaume Fort (1: 442–54); Bernard Francou (1: 350–69); Baruch (1: 177–90); Grazide Lizier (1: 302–6).

95 "Fuit instructus . . . de contrario istorum errorum," JF, 1: 447–8.

96 JF, 1: 305.

boni homines and giving credence to certain teachings: during the same hearing Fournier instructs her *de contrario*.[97] Completely absent in the reports of Geoffroy d'Ablis, similar attempts at persuasion and indoctrination can be traced to the bishop's pastoral vocation, responsible for the pastoral care of the faithful's souls of his diocese. The unfolding of his activity in the confined space of the diocese makes it materially possible to conduct more accurate surveys, which attempt to penetrate the deep level of beliefs not always traceable to the inquisitorial schemes, combining education and repression if necessary.

In other cases religious instruction was connected to the cultural level of the accused and could result in a true religious discussion. This is what can be observed in the trial of Baruch, a Jew baptized in the context of the Shepherds anti-Semitic persecution and who then returned to the Jewish faith.[98] The first part of the trial unfolds around the question of the validity of a forced baptism that took place in a context of violence.[99] According to Fournier baptism did not happen "by absolute compulsion" (*coactio absoluta*) since Baruch did not protest nor openly offer resistance: the sacrament is therefore valid and consequently Baruch is to be considered an "obstinate heretic," a recidivist, because once converted he returned to the former errors. Faced with these findings, Baruch is forced to change his line of defense, declaring himself willing to abandon the Jewish faith if the bishop is able to convince him that Christians follow the Law and the Prophets. With the help of an interpreter, Fournier then embarks on a long *disputatio* on the Trinity, the Messiah, the resurrection of the body and the laws of the Old Testament. Almost fifteen days were dedicated to the first question alone, nearly eight to the second, while it was much more difficult to convince Baruch of the immortality of bodies. The accused declared himself to be finally persuaded by the teachings of Fournier, declares himself ready to abandon his own name and adopt a Christian one and wants to inform himself further by reading alone. But new doubts emerge after two weeks, requiring a supplemental instruction. The case closes with full acceptance—spontaneous and not extorted by threats and violence, according to the formulas—of the Catholic faith.[100] The case of Baruch, twice exposed to the choice between conversion or death, helps to understand

97 JF, 1: 485.

98 JF, 1: 177–90; see Yosef Hayim Yerushalmi, "The Inquisition and the Jews of France in the Time of Bernard Gui," *Harvard Theological Review* 63.3 (1970): 317–76; Shlomo Simonsohn, *The Apostolic See and the Jews. History* (Toronto: Pontifical Institute of Medieval Studies, 1988–1991), 1: 352–3.

99 "Non ex desiderio vel ex voluntate . . . sed solum ex terrore," JF, 1: 182.

100 JF, 1: 185–9. We don't know what Baruch's condemnation was.

the meaning of the teaching in the light of a strict procedural determinism. Where violence is not enough to render the baptism null, the defendant can only ask to be informed about the content of the Christian faith, placing the fate of his own conversion on the outcomes of theological dispute. *Persuasio* and *coercitio* reveal themselves then as categories not always alternative to one another. In Fournier's register, coercive and persuasive techniques are intertwined in almost every phase of the anti-heretical trials. Attempts at doctrinal teaching took place in the prison space. Granting the accused a few days to reflect (*tempus cogitandi*) was joined with the threat that, in the absence of a *confessio plena*, he will be tried like the impenitent heretics: the attempts at persuasion then converge with more overtly coercive techniques.

In this dimension the admonitions of Fournier, recorded in about thirty cases, are relevant. The boundary between exhortations and very real threats is lost behind the crystallization encoded in formulas: as the notary records, Fournier calls the accused three times (*semel, secundo et tercio et canonice*), or gives them a few days of reflection so that they may decide to confess the truth; otherwise the defendant will be treated "as contumacious and rebellious."[101] The line between benevolent exhortations and threatening injunctions is adaptable, as shown in the trial against the Waldensian Raimond de la Coste, that concluded with his burning. Before handing him over to the secular arm, Fournier urged him three times to abjure all heresy, denounce his companions and accept the penance imposed or steps would be taken against him in accordance with the requirements of canon law.[102]

The threatening import of similar action emerges when the defendants are informed of the consequences of a missing confession or missing abjuration. Fournier warns Baruch that if he does not repent, they will proceed against him "as against an obstinate heretic;"[103] Pierre Vidal gets a few days to reflect, after which he must confess or he will be treated as strongly suspected of heresy;[104] the bishop informs Mengarde Buscail that she will end up in the jail of Allemans if she will not confess, and intimates to Bernard Gombert to confess immediately, because the following day he will no longer be granted impunity.[105] The verb 'ordained' (*precepit*), stronger than 'admonished' (*monuit*), confirms in other cases the continuity between exhortative and

101 See the formula recorded in the trial of Jean Pellicier, JF, 3: 81.

102 JF, 1: 106.

103 JF, 1: 185.

104 JF, 3: 303.

105 JF, 1: 497; 2: 346.

coercive pressures: Fournier *precepit* to Raimond de Laburat to confess immediately, threatening to enjoin the penalties which the law reserves to the heretics;[106] *precepit* Pierre de la Font to answer questions, while the accused did not seem to be willing to confess.[107]

The order of excommunication increased the weight of these injunctions. The exclusion from the sacraments hit most suspected heretics almost automatically. But it was even resorted to in the trial, urging the accused to confess *sub pena excommunicationis*.[108] In the minutes of Guillelmette Argelier the admonition to confess, the granting of time to reflect, the threat to consider the defendant "contumacious and rebellious" and the order of excommunication connect again, set in a single formula.[109] Referring to Lateran IV, Fournier informs Jean Pellicier that those who remain excommunicated for heresy for at least a year will be sentenced as heretics.[110]

Other methods instead hit the accused physically. Torture was introduced into the inquisitorial tribunals in 1252, with the bull *Ad extirpanda* of Innocent IV.[111] It was widely used by the inquisitors of Languedoc since the second half of the thirteenth century, so much so as to raise allegations of excesses and abuses.[112] But not all ecclesiastical courts resorted to it systematically. In the register of Geoffroy d'Ablis, for example, there is no trace of it, while in that of Fournier one case is recorded. This concerns an entirely atypical process, both for the imputation as well as the procedures followed. At the center of the investigation is Guillaume Agasse, guardian of the leper colony of Pamiers, accused of having taken part in a meeting organized in Toulouse by the king of Granada and the sultan of Babylon, during which fifty lepers allegedly rejected the Christian faith, committing themselves to poisoning wells and fountains with special filters. They would be rewarded for this mission with power and

106 JF, 2: 324.

107 JF, 2: 157–8.

108 As in the trials of Arnaud Teisseire and Raimond Guilou, JF, 2: 212; 2: 228.

109 "... monuit eam dictus dominus episcopus semel, secundo, tercio, et canonice, quod responderet dictis interrogationibus verasciter, clare et manifeste, et assignavit ei terminum ad respondendum dictis interrogationibus infra diem martis sequentem, alioquin sicut contumacem et rebellem in causa fidei et ut multum de heresi suspectam dicta canonica monitione promissa ex nunc pro tunc in hiis scriptis excommunicavit et pro excommunicata haberi voluit," JF, 3: 93.

110 JF, 3: 81–2.

111 Edward Peters, *Torture* (New York: Blackwell, 1985), 62–7.

112 Vidal, *Le tribunal d'inquisition de Pamiers*, 171–2.

wealth, while the rulers of Granada and Babylon would one day rule over the lands belonging to the Christians.[113]

The use of physical violence was crucial to elicit similar confessions. It should also be noted that the first interrogation of Agasse, during which the defendant was tortured, was not conducted by Jacques Fournier, but by his prosecutor. The accused released his second deposition, centered on the subject of the conspiratorial meeting of Toulouse, in front of another official, this time without suffering violence.[114] Agasse later confirmed in prison his own statements before the lieutenant of the inquisitor of Carcassonne, Gaillard de Pomiès. All this was part of the regular procedure, since the statements extorted in the torture chamber had no value without being ratified *sine tormentis*. Different than usual, Fournier met the accused only at the third interrogation, during which there was no recourse to physical violence. Although it is difficult to accurately reconstruct the vicissitudes of the trial, the relationship between the type of attribution, the use of torture and the identity of the person conducting the interview is striking. As we will observe from close up in Chapter 6, this does not mean that Fournier refused a priori the use of violence against heretics: even though it does not seem to be a hallmark of his court, the use of torture in order to solicit a confession was still recognized and accepted.

Other forms of physical coercion were rather widely practiced in Fournier's court, from incarceration onwards. The temporary detention had a threatening function and was devised in order to prevent escape or to push those who seemed to hide the truth to confess.[115] Geoffroy d'Ablis by preference resorted to preventive detention before trial; seven of the seventeen accused declared themselves to have been imprisoned before their first hearing.[116] Jacques Fournier instead recurred to preventive detention also during the course of the trial, between one hearing and another, when the accused seem to be hiding the truth. Fournier resorted to imprisonment in 55 cases out of 89, often lasting

113 JF, 2: 135–47. On similar accusations, very diffused in France in the fourteenth century, see Carlo Ginzburg, *Storia notturna* (Turin: Einaudi, 1989), 51–2; David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle* Ages (Princeton: Princeton University Press, 1996), 43–68 (the case of Agasse at p. 65); R.I. Moore, *The Formation of a Persecuting Society* (Oxford: Blackwell, 2007), 47–61.

114 According to the formula "gratis et sponte absque omni terrore tormentorum," JF, 2: 137.

115 See Given, *Inquisition and Medieval Society*, 52–65.

116 See the trials of Raimond Authié (GdA, 116–35); Guillaume de Rodes (134–63); Blanche de Rodes (212–41); Raimond and Pierre Issaura (260–311); Pierre de Gaillac (332–61); and Alamande de Vicdessos (240–9). See *Le livre des sentences*, (ed. and trans.) Pales-Gobilliard, 36–7.

a total of more than 35 weeks.[117] The detainees were sometimes locked in the tower of Pamiers, but mostly served their imprisonment in the jail of Allemans, reserved for those guilty of heresy. In accordance with the provisions of the Council of Vienne, the prisons were placed under the joint authority of the bishop and the inquisitor, who named two of their subordinates jailers: Marc Rivel, jailer of Allemans along with his wife from 1314, swore an oath in fact both to the bishop and the inquisitor of Carcassonne.[118]

Sometimes Fournier required the accused to remain until the next hearing within certain territorial limits, normally corresponding to the boundaries of the diocese or the Mas-Saint-Antonin. More rarely, the inmates could have themselves released due to their physical conditions, upon payment of bail. The endorsement of one or more guarantors could absolve a defendant from an audience or cause him to be temporarily released. Along with the weak and elderly prisoners such as Guillellmette Bec, the influential magistrate Bernard Clergue was released on bail.[119] The physical weakness in his case was entirely specious: Bernard went back the next night to the Allemans, boasting as follows with the other prisoners: "You see, I'm going to leave, and since I have not said anything of the things about which the bishop questioned me, that's why I'm leaving, because he learned nothing from me!"[120]

Place of punishment and a means to push the reluctant to confess, the prison had varying degrees of severity. The *murus largus* was imposed as a temporary punishment for the condemned, or as a preventive function for the accused. Used by Fournier with about twenty accused, it left some freedom of movement to the prisoners within the perimeter of the surrounding wall and the prison itself. Those condemned to *murus strictus* or *strictissimus* were instead forced into a narrow cell, with chains on their feet, fed on bread and water. The 'hard' and 'very hard' imprisonment were imposed in Pamiers both as a perpetual condemnation, and as an intimidatory tool.[121]

The imposition of prison strongly influenced the evolution of the trials. The temporary detention stands out in fact in the register of Fournier as the most effective and widely adopted method to get a confession. The bishop used it in over 60% of the cases, when he believed that the defendants were hiding the truth. Alazaïs Azéma, for example, was convened for the first time in August of

117 The data are Given's, *Inquisition and Medieval Society*, 58–9.

118 Vidal, *Le tribunal d'inquisition de Pamiers*, 227–35.

119 Guillelmette Bec, 2: 356.

120 "Videte, ego recedo, et quia nichil dixi eorum de quibus dominum episcopus me interrogabat, propter hoc ego recedo, quia nichil invenit in me!" JF, 2: 285.

121 See Vidal, *Le tribunal d'inquisition de Pamiers*, 227.

1320. The suspicion that he did not say everything and a determination to leave the trial open until she confessed drove Fournier to hear the defendant seven times. But it was only after a period spent in prison, combined with repeated warnings that the woman resolved to add some elements omitted during the first deposition: that her son was an active guide of heretics and that she herself had taught some heretical doctrines. Following these statements the inquisitor still doubted that the confession was complete. Two further periods of detention followed and finally Alazaïs admitted all her involvement in heresy: she had met the *boni homines* many times, had helped them, and had participated in their rituals declaring herself ready to be received into their sect in the event of an illness.[122]

We find a similar trend in many trials. Jacqueline den Carot was convened by Fournier in 1320 on the charge of denying the resurrection after death. The first preliminary interrogation did not lead to any result and she was given time to reflect, being ordered not to exceed the boundaries of the diocese and of Mas-Saint-Antonin. Fournier interrogated Jacqueline another five times, but only the detention convinced her to reveal her doubts about the resurrection.[123] With its violent impact, temporary detention proved to be very effective: similar examples multiply, repeating each time how in the closed space of the prison coercive tensions were triggered capable of subverting the defensive lines adopted by the accused.

2.6 "The Way that Heretics Usually Respond"

If memories variously selected form the connective tissue of the confession and therefore of the judicial evidence, the memory is also the area in which the truth disappears, hides, comes back to the light. The concealment strategies put in place by the accused often pass through mechanisms of oblivion, real or presumed. Attempts to conceal involvement in heresy occur in many cases on the impalpable plane of memory: the defendants try to hide the truth, omit details or justify their own contradictions by forgetting, or pretending to forget.

Mergarde Buscail was convened for the first time in Pamiers in May 1321. Comparing her first statements with those collected by other witnesses, Fournier was able to ascertain that her first confession was incomplete, especially with reference to her attending a heretication. Only in November, after a long incarceration and rigorous interrogation, Mergarde made the awaited

122 JF, 1: 307–22.

123 JF, 1: 151–9.

confession. When asked why she had not confessed before, the woman simply replied that she did not remember anything until the moment she was imprisoned.[124] Such amnesia also struck Jean Pellicier. During the first four hearings Fournier could not get him to admit that he had participated in several meetings with the *boni homines*. Jean continued to conceal the facts and contradicted himself several times during the interrogation. The bishop imprisoned him, ordering him to answer "clearly and plainly" (*clare et lucide*), threatened and excommunicated him. When Jean finally resolved to confess, declared he had fallen into contradiction "because of his forgetfulness, and since he forgot" ("propter inrecordationem suam, et quia erat oblitus"), while finally he remembered ("reduxit in memoriam.")[125] These two cases have similar characteristics: during the first sessions of interrogation the defendant tries to hide the truth, but after a period of detention resolves finally to confess; a sudden recollection intervenes to justify the delay of the confession.

The formula "dixit quod non recordatur" occurs very often in the register, showing the difficulty of the defendants faced with compromising questions.[126] These hesitations emerge when the bishop, for example, investigates whether the accused has already made a confession before another tribunal, resulting therefore recidivous. Guillaume Fort, convened in 1321, partly admits his mistakes. He then states that he never made a confession before the Carcassonne tribunal. Why not? Forgetfulness ("quia non fuit recordatus.") However, using crossed testimonials Fournier learns that not only had the accused already been convened by Geoffroy d'Ablis in Carcassonne, but that he was still in possession of a letter written at that time by the inquisitor. He thus showed it to the bishop, who had it transcribed in his register: among other things, the document indicates that the accused had denied the truth and was sentenced to carry crosses.[127]

The trial of Jean Joufre follows the same procedure: after a first query that does not meet the expectations of the bishop, the defendant is imprisoned. When interrogated for the second time, he ends up admitting that he had heard a man mock the clergy and affirm that heretics do well not to kill animals, that not even one in a hundred would be saved outside of their faith and that infants who die before their baptism would be saved, as well as Jews and

124 "Respondit quod non recordabatur quousque modo non fuit in castro de Alamannis," JF, 1: 504.

125 JF, 3: 83.

126 See Irene Bueno, "*Dixit quod non recordatur*. Memory as Proof in Inquisition Records (Early Fourteenth Century France)," in *The Making of Memory in the Middle Ages*, (ed.) Lucie Dolezalova (Leiden: Brill, 2009), 365–93.

127 JF, 1: 442–54.

Saracens. His comment on these teachings is reported by the notary public in a direct form and leaves one to assume his consent: "If so, I would like to see these people!" When asked if he believed in the errors listed above, Jean, however, denied it. Why, then, if you did not believe, did you hide them for so long and only confessed after more than a year in prison? Jean said he could not remember. The questioning then became more rigorous: why did he say that he would like to see the heretics? Jean replied that he did not know. Had he liked those blasphemies? He does not know. Finally, called for a new hearing, Jean confesses that he believed in every single error listed in the accusation.[128]

At other times, the accused admitted that they had already confessed to another court, but had to justify major omissions in previous depositions. Arnaud Teisseire was accused by many witnesses to have hosted, supported and protected heretics; apparently, he had heretical books and books on magical arts and taught heterodox doctrines, mocking the Church. Last but not least, his wife was the daughter of Pierre Authié the *haereticus*. Arnaud had already undergone a trial in Carcassonne, but had managed then to conceal his involvement in heresy. As he later explained to Jacques Fournier, in that case he omitted some details "because I did not remember them." After a period of detention and the statements of some witnesses, Arnaud adds that at the time of the first trial he could not remember anything, while those memories resurfaced later. But the memories of Arnaud were still unsatisfactory: Fournier had not yet managed to get a confirmation of all the charges, accused the defendant of perjury and insisted several times that he make a true and complete confession. But the death of Arnaud thwarted this effort. The investigation initiated to clarify if he had repented on his deathbed, gave negative outcomes: according to the jailer of Allemans, Arnaud showed no sign of repentance, though he was in his full mental capacity ("in sua bona memoria").[129]

In other cases illness became the pretext for incomplete confessions and deliberate omissions. Illness, memory and confession are intertwined, for example in the testimony of Pierre Bernard, who said he had not previously confessed to the bishop because he did not remember, since he was ill.[130] We often see those accused by Fournier resorting to disease, madness, stupidity or drunkenness to circumvent the constraining mechanisms of the procedure. When she was presented in front of Geoffroy d'Ablis in Carcassonne, Blanche Marty had not released any significant statement: not being able to completely deny any relationship with the heresy of Good Men, since she was the sister

128 JF, 2: 110–6.

129 JF, 2: 220.

130 JF, 3: 460.

of a *haereticus*, she pretended before the inquisitor to be an *orca*, stupid and scatter-brained. The performance must have been perfect since d'Ablis gave Blanche some slight and benevolent pats on the shoulder, and when the pretend foolish one began to embrace his legs begging for mercy, he told her not to worry, that he would not hurt her, and released her. Later Blanche boasted of not having confessed even half of what she knew and had done and recounted the anecdote to her companions, now of course in burlesque tones, ridiculing the inquisitor.[131]

But most of the time the records are silent on the strategies of concealment which, by their very nature, remain secret and emerge only if discovered by the inquisitor. It was said that Pierre Sabatier considered to be lies all the things said and sung in church. Apparently, he even said that one might as well put a blessed candle in the anus of the dying instead of in the mouth (as they used to do). Under questioning, the defendant blamed his deceased father in law: such a strategy, which aimed at exonerating oneself at the expense of a deceased person, was as unassailable as it was uncertain, since it could not be proved except through his words.[132] In a subsequent hearing Pierre declared instead that he was drunk when he said those things. After a couple of weeks he admitted that he believed that the only intent of the priests who celebrate mass was to collect the donations and tried to ascribe like errors to his own foolishness (*fatuitas*).[133] The defendants seek to minimize the fact of their involvement in heresy: belittle their own beliefs, saying that they had spoken only in joke, as drunkards, from carelessness or ignorance, but without actually believing in it. It was convenient in fact to attribute certain errors to their own recklessness than to an informed choice. Jacqueline den Carot told the bishop that she was convinced that the body does not rise because of her own foolishness (*ex fatuitate sua*);[134] Arnaud Savinhan says he spoke of the eternity of the world only out of stupidity (*stultitia sua et fatuitas*), but without believing it and adds that he had spoken in jest (*trufando*) of the lawfulness of relations external to marriage.[135] Later he confessed his mistakes, stressing however the difference between what he believed (*credidit*) and what he now believes (*credit nunc*).[136]

Pierre Guillaume uses the same strategy: yes he said, he acknowledges, that man can be saved without the sacraments, but he had spoken these words

131 JF, 2: 71–2.

132 JF, 1: 144.

133 JF, 1: 157.

134 JF, 1: 165.

135 JF, 1: 163.

136 JF, 2: 434–5.

in stupidity, without believing them truly.[137] These reservations do not seem to have convinced the interrogator, who continues to question Pierre about whether he truly believed the words pronounced. The defendant, however, does not respond with clarity, but "doubly and as a dissembler . . . and in the way that heretics usually respond."[138] Where the inquisitorial procedure required the confession as a necessary step to acquittal, the accused's only recourse was to ridimension their guilt by extenuating circumstances. Bernard Gui's manual describes with plentiful detail the expedients practiced by the heretics to deceive the inquisitors: not always coinciding with these descriptions, some defensive methods appear with a certain recurrence in the records of the inquisition, so as to assume that a defensive strategy was in place, even though not deliberate, taught and shared.[139]

From the register some awareness of the trial procedure is shown by the accused, informed on what to expect at various stages of the trial. Whoever had already been summoned to an ecclesiastical court put his experience at the disposal of others: this allowed the defendants to get some opinions on the judges, opting when possible for one court or another. So certain resolutions of the inquisition could arouse the discontent of those who understood the procedure. Raimond Vaissière was amazed that Fournier had jailed some accused who had not even met the *boni homines*: according to him, this would never have happened in Carcassonne.[140] In some cases it was the parish priests themselves who suggested to the faithful how to behave in the case of a summons. The priest Pierre Bela told Alazaïs den Vernaus she had been denounced for heresy and advised her to anticipate the summons, by presenting herself to the bishop: if she told him that she had already confessed in Carcassonne, Fournier would immediately have released her.[141] The knowledge of the rules certainly played in favor of those who sought to break them. But it should be emphasized that the margins of success were insignificant, because at the very moment in which someone had been defamed for heresy, there was almost the certainty of a condemnation. If the goal of the inquisition was the destruction of heresy, heretics and *fautores* were given the choice between conversion (subject to renunciation and condemnation) or the secular arm. To avoid the second, there was no other way but to confirm the expectations of the

137 JF, 3: 337.

138 "Dupliciter et ut versipellis . . . et per modum quem solent tenere heretici in respondendo," JF, 3: 342–5.

139 See Cavaillé, "L'art des équivoques."

140 JF, 2: 305–29.

141 JF, 1: 484–5.

inquisitor, confessing and abjuring. Aware of this mechanism, Bernard Clergue states that "all is lost with this bishop, and with him people might as well be heretics as *boni homines*, because he questions all so as to make the accused heretics."[142] In any case, the defendants could attempt to improve their condition and their knowledge of the rules was certainly functional to the success, at least partial, of this enterprise.

2.7 Abjuration and Sentence

In Geoffroy d'Ablis's register the first interrogations normally close with a statement of repentance on the part of the accused, which sanctions through the act of abjuration his reconciliation with the Church. In the court of Pamiers this formal step is instead associated with an appropriate session of recapitulation and ratification which puts an end to the trial and leads to the *sermo generalis*. During this session, the accused confirmed in a solemn and official manner their confessions, which translates into documents in a slavish iteration of formulas designed to emphasize the respect for the procedures and to reaffirm the correctness of the tribunal. The importance of the concluding sessions is confirmed by their solemnity: next to Bishop Fournier the presence of the inquisitor of Carcassonne, Jean de Beaune, was expected and in some cases the inquisitor of Toulouse Bernard Gui also took part.[143]

The notary read aloud and in the vernacular the list of charges and a summary of the confessions and the defendant, under oath, ratified them in their entirety. He further promised that in the future would remain true to these statements, without any modification and renouncing all possibility of defense, and added that the confessions had not been extracted under torture or provoked by external pressures. The heretic then asked absolution from the sentence of excommunication and abjured: the act of abjuration and absolution from the excommunication, associated with each other in fixed formulas, were two basic steps for the readmission of the redeemed within the bounds of the Church. The formulas of abjuration used by Fournier's notaries coincide almost perfectly with those reported in Gui's manual, confirming the close interdependence between the bishop's court and the Dominican inquisition. Declaring their repentance, the heretics recant their mistakes and swear to accept the faith of the Church, to denounce heretics, to obey the orders of the

142 JF, 2: 283.

143 Vidal, *Le tribunal d'inquisition de Pamiers*, 203ff.

Church, the bishop and the inquisitors and to come and hear their own sentence, pledging to perform the penance imposed.[144]

The abjuration officially marks the restoration of the orthodox order, reinforcing the primacy of the institution that had made itself the guarantor of that order. For this reason the *abiuratio heresis* was repeated during the public sermon, before the civil and religious authorities, and of all the spectators present. In the context of this solemn ceremony, the public recantation of the errors showed the success of the repressive initiative. The importance of this moment was not diminished by the fact that those who refused to renounce the heresy, like the four Waldensian processed by Fournier, would be condemned to the stake. That the recantation was delivered with conviction or that it concealed the reservations of those who pronounced it, with a final and ultimate act of simulation, mattered little: order was publicly restored and the institution that protected it had demonstrated its own success. The formulas that closed the reports always in a similar fashion left no room for the intimate thoughts of the accused. They did however contain some reservations, declaring the excommunicated absolved only in the event that his repentance was sincere and his confession complete: these specifications show the objective difficulty of proving that the accused was not lying.

144 I report Béatrice de Lagleize's formula of abjuration indicating in italics the parts that coincide wih the formulary of Bernard Gui: "*Ego* Beatrix predicta *in iudicio constituta coram vobis* reverendo patre in Christo Iacobo, Dei gratia Appamiarum episcopo, *abiuro penitus omnem heresim extollentem se adversus fidem Domini nostri Ihesu Christi et sancte romane Ecclesie, et omnem credenciam hereticorum cuiuscumque secte dampnate per Ecclesiam romanam, et specialiter secte* Manicheorum, *et omnem favorem et receptacionem et deffensionem et participacionem eorum, sub pena que debetur relapsis de iure in heresim in iudicio abiuratam. Item iuro atque promitto me pro posse meo persequi hereticos cuiuscumque secte dampnate et specialiter secte* Manicheorum, *et credentes et fautores et receptatores et deffensores eorum, et etiam illos quos scirem vel crederem pro crimine heresis fugitivos, et quecumque predictorum* et eos facere capi et reddi pro posse meo dicto domino episcopo vel successoribus eius, vel etiam inquisitoribus heretice pravitatis, quemcumque et ubicumque *scivero esse predictos, vel aliquem de predictis. Item iuro atque promitto me tenere et servare ac deffendere fidem catholicam quam sancta romana Ecclesia observat et predicat. Item iuro atque promitto obedire et parere mandatis Ecclesie* et dicti domini episcopi *et inquisitorum* predictorum *et venire ad diem et dies coram ipsis vel eorum loca tenentibus, quandocumque et quotienscumque fuero mandata seu requisita ab eis per nuncium vel litteram vel alias, et nunquam fugere nec me scienter et contumaciter absentare, et suscipere et complere pro posse meo penam seu penitenciam quam mihi duxerit iniungendam, ad hoc obligo me et bona mea*," JF, 1: 249–50; *Practica Inquisitionis*, (ed.) Douais, 293–4.

The *confirmatio*, the *abiuratio*, the absolution from excommunication and the request to hear the sentence mark the end of the process, committing the heretic to the public reading of the conviction. The bishop and the inquisitor notified the date and place of the hearing, but most of the times it was the notary who communicated them, going to the tower of Pamiers or to the Allemans prison. The processing of the judgment marks the transition from the fluidity of behavior and thoughts to the formulation of specific charges, to which an appropriate sentence should correspond. Similar to sacramental penance, the penalty of the inquisition was a punishment and a purgation necessary for the readmission of the redeemed. But the judgment of the inquisition is distinguished for its public setting: the ceremony of the *sermo generalis*, the culminating moment of the trial, confers on the imposition of the sentence a solemn and almost ritual dimension.[145]

The development of judgment could involve a number of laity and clergy, consulted by the bishop and the inquisitor. The presence of a board of *boni viri* in support of the inquisitor is in fact attested since the 1240s and responded to the need to ensure procedural rigor and equity of judgment. Given the framework in which the official notice of a conviction took place, the composition of the council not only met the criteria of legal training, but also a desire for public visibility.[146]

On the occasion of the trial of Aude Fauré, Fournier obtained the opinion of twenty-eight men. Representatives of the secular and regular clergy not only participated in the consultation, but also civil officials and men of law, a judge of appeals from Pamiers, a judge of the count of Foix, and the judge of the *terra pariagii*. The notary read the summary of the trial to those present asking their opinion on the judgment. They settled the minor penalties unanimously and ordered the accused to undertake fasts, pilgrimages and confessions, and imposed on her the receiving of the Eucharist.[147] The punishment agreed suggests that Aude's was not considered a particularly serious case. Why, then, was the *consilium* called? Other elements, such as the number of witnesses called

145 Grado Giovanni Merlo, "Il 'sermo generalis' dell'inquisitore: una sacra rappresentazione anomala," in *Vite di eretici e storie di frati. A Giovanni Miccoli*, (ed.) Marina Benedetti, Grado Giovanni Merlo and Andrea Piazza (Milan: Edizioni Biblioteca Francescana, 1998), 203–20.

146 Célestin Douais, "La formule 'communicato bonorum virorum consilio' des sentences inquisitoriales," *Annales du Midi* 4 (1892): 1–62; Corinne Leveleux-Teuxeira, "La pratique du conseil devant l'inquisition (1323–1329)," in *Les justices d'Église dans le Midi* (*XI^e–XV^e siècle*), Cahiers de Fanjeaux 42 (Toulouse: Privat, 2007), 165–98.

147 JF, 2: 101–2.

to testify against the defendant (eleven) and the pace of the interrogations (eight in three weeks) suggest that there was uncertainty in the classification of Aude's errors: as we shall see in Chapter 4, her ideas escaped the categories described in the antiheretical tracts, requiring the evaluation of various authorities.[148] But we must also reflect on the documentary seat of these news items. Normally we find information on the *consilia* in the books of sentences, but Aude's case is an exception: at the request of the bishop, the notary transcribed the sentence inside the register, the reason why we also have the datum about the council of experts.[149]

The main news on the *consilia* of Pamiers are preserved in Bernard Gui's *Liber Sententiarum*, in volume 28 of the Doat collection, and in a fragment of a manuscript used in the binding of a later book. This document refers to a public sermon held at Pamiers on 8 March 1321 and contains the recantation of eighteen defendants and the fragments of eight convictions. The imposition of a minor penalty was preceded by the consultation of a council of experts, showing that their opinion was asked for sentences of all types.[150] Bernard Gui's *Liber Sententiarum* instead documents the process of the two sermons general in Pamiers on 2 August 1321 and 4–5 July 1322. Bishop Fournier, the inquisitor of Carcassonne Jean de Beaune and that of Toulouse Bernard Gui presided over the solemn event. Volume 28 of the Doat collection finally preserves the judgments delivered in Pamiers between 7 and 14 August 1324. These papers also show that the consultation of the *consilium* did not have only a formal value. Thirty authorities listened to excerpts from the confessions and pronounced on the penalty to be assigned to the heretics, vowing to offer good and right advice and to keep secret the decisions until the public sermon. Normally, their judgment was unanimous, but there are cases of members *contrariantes*.[151]

In Pamiers the proclamation of the judgments occurred more often in the cemetery, where the *clerus et populus* gathered. The fulfillment simultaneously of transcendent and earthly justice summoned the presence of clerics, local notables, city officials, men of law. The physical presence of the Gospels before the courts and the *consilium* was intended to help, with an almost ritual

148 See *infra*, 140–1.

149 JF, 2: 104–5.

150 Jean Duvernoy, "Sermon de Pamiers—8 mars 1320, tenu par Jacques Fournier, évêque de Pamiers et Jean de Beaune, inquisiteur de Carcassonne (Ms A.D. Ariège J 127)," in Id., *Catharisme, hérésie médiévales et inédits*, 1–6.

151 Duvernoy, "Le registre DDD," 23–44.

influence, directing them to the fairness of the judgment.[152] On this occasion, in which the results obtained through the secret procedure were notified to the population in a public ceremony, it was important to emphasize the regularity of the proceedings. The formulas of imposition of the penance also underlined that the authorities had followed the entire procedure legitimately (*legitime*), from the investigation to the collection of the confessions, from the ascertaining of guilt until the recantation.[153] The imposition of the sentence could then be carried out: the fairness of the sentence was guaranteed by the consultation of the *consilium*.

I refer to existing studies for an analytical reconstruction of the judgments of the court of Pamiers.[154] As shown in Table 1, prison was by far the prevalent punishment (70.7% of cases). Single or double crosses were imposed in 20% of cases, possibly united with the obligation of undertaking pilgrimages. Five accused on the other hand received the capital penalty. The books of sentences offer a detailed description of these condemnations, which allow one to see a further gradation in the severity of the penalty. The color of the crosses, single or double, the size, and the point at which they must be exhibited are specified,[155] while the pilgrimages differ in number and distance. For some defendants these penalties are aggravated by exposure to public ridicule: then the details of the ignominious spectacle are established, which normally took place on market days or on mass days.[156] Even incarceration, as we have seen, had several variables: *murus largus, murus strictus, strictissimus*. Documents hint at a relative flexibility in the application of penalties, sometimes attenuated upon

152 *Le livre des sentences*, (ed.) Pales-Gobilliard, 1254–1427. "Sacrosantis Evangeliis Jhesu Christi positis coram nobis ut de vultu Dei nostrum prodeat judicium et occuli nostri videant equitatem," ibid., 1254.

153 Ibid., 1254.

154 Vidal, *Le tribunal d'inquisition de Pamiers*, 15–58, 223–43; James Given, "A Medieval Inquisitor at Work: Bernard Gui, 3 March 1308 to 19 June 1323," in *Portraits of Medieval and Renaissance Living. Essays in Memory of David Herlihy*, (ed.) Samuel K. Cohn Jr. and Steven A. Epstein (Ann Arbor: University of Michigan Press, 1996), 207–32; Given, *Inquisition and Medieval Society*, 66–90; Pales-Gobilliard, "Pénalités inquisitoriales au XIV^{e} siècle," in *Crises et réformes dans l'Église: de la réforme grégorienne à la préréforme* (Paris: CTHS, 1991), 143–54.

155 *Le livre des sentences*, (ed.) Pales-Gobilliard, 1254.

156 "Fore sententialiter condempnandum ad standum in scala cum crucibus croceis dupplicibus et linguis rubeis in suis vestibus afflixis in pectore et inter spatulas, scilicet una die dominica ante ecclesiam de Mercatali civitatis Appamiarum, dum missa maior celebrabitur ibidem et altera die mercadii in platea domini dicti loci hora tertia usque ad nonam," Duvernoy, "Le registre DDD," 29.

payment of bail. In twenty-four cases we hear of the conversion of sentences that came about after a few years. In other cases instead, the irrevocability of the sentence is emphasized immediately: such was the case of Arnaud de Verniolles, convicted of sodomy and confessing some people without being a priest. The attempts at intercession of a Carmelite and four friars who invoked his pardon were of no avail: the council refused preferential treatment.[157] Not least, the trial for heresy involved the confiscation of the goods of the condemned, carried out in Pamiers in favor of the count of Foix.[158]

Looking at the books of sentences, the first figure that catches the eye is the absence of acquittals. At the end of the trial all those accused of heresy are required to undergo a punishment. We do not in fact have any reports of investigations that led to the refutation of a heresy libel. In a certain sense the very existence of heretical *fame* was in itself a proof. Each stage of the trial then shows the inexorability of a procedure that could not but arrive at a conviction. Despite its foregone conclusion, the trial was essential and had a meaning and a function that manifested themselves on several levels. First, the interrogation had an essential informative function, constituting the main opportunity to collect information about groups and heretical beliefs. As we will see in later chapters, this investigative dimension is critical to Jacques Fournier, ready to listen with unusual attention to the statements of the witnesses and the confessions of the accused and to record them in detail. But above all, the trial and conclusive sentencing were steps required to reconcile the redeemed and punish the unrepentant, allowing the defenders of orthodoxy to prevent the spread of heresy. Last but not least, respect for the law and procedure in all its phases, is related to the self-promotional objective of the ecclesiastical institution and not only. The civil authorities took an active part in the various stages of the that trial, which was also an instrument of social control: capturing the accused, participating in the council, confiscating goods and destroying the houses of heretics, taking part in the management of prisons, and executing the sentences. On the occasion of the sermon general, the whole population was involved in the ceremony, presided over by the bishop and the inquisitor and attended by men of law, city officials, and officers of the count. The assignment of the penalty was carried out in a crescendo of tension that proceeded from the lighter punishments up to the death penalty. Such a ceremony underlined before all the distance between those who had followed the path of the

157 Ibid., 27, 38.

158 In 1309, on occasion of the dispute that arose about the heredity of the *haereticus* Jacques Authié, the count did in fact lay claim to the possession of the goods confiscated from the heretics in his lands, *HGL*, 9: 334; 10: 485 and 639.

Church and those who had distanced themselves from it. While the almost ritual articulation fed the emotional strength of the event, the pageant of civil and ecclesiastical authorities was meant to ensure the harmony of the powers and the procedural regularity advocated by the Council of Vienne. The sermon general was therefore an opportunity to publicly celebrate the success of the repression and the institution that was the guarantor of orthodoxy, indicating to the faithful the way of salvation. The legitimacy of the anti-heretical effort and the respect for the rules were reaffirmed by the fixity of the procedure and the repetition of formulas. The regularity of the trial demonstrated that the Church courts were operating in accordance with justice (*in iusticia*) and in accordance with the law (*secundum iura*). Respect for the rules ratified the work of the tribunal and ensured the effectiveness of repression, conditioning the nature of the confessions and the outcomes of the judicial initiative. To the legitimacy of repression the legitimization of the authority that put it in place inevitably corresponded, before all of the faithful.

CHAPTER 3

Questioning Heretics: Proving Error according to Tradition

Heresy emerges in inquisitorial reports as a magmatic presence, in various forms, tempered by re-adaptations and re-definitions through time. The theoretical foundations of the war against heretics can be traced through a reconstruction of the questionnaire adopted during the interrogations: the questions posed to the accused reveal the basic elements of the heretical profile sought after by the defenders of orthodoxy. Far from being stable and invariable, the ecclesiastical authorities' expectations regarding heresy reveal changes or variations that become evident in the light of a comparative *longue-durée* study. The measures of judgment and the interrogation criteria inherited by Jacques Fournier from an already long-standing inquisitorial experience shed light on factors of continuity and change in the perception of the threat of heresy.

The exceptional character of Fournier's records has attracted the attention of many scholars, but the bishop's investigation criteria deserve further attention. The extraordinary wealth of information contained in the records of his trials, in fact, can only be connected in part to the zealous and meticulous personality of the judge,[1] of the shepherd of souls determined to return the faithful to the Church,[2] or of the future pope intent on consolidating his own position through documentary production, among other methods.[3] As a number of studies have shown, it is worthwhile to adopt a more dynamic approach to Pamiers' inquiry, one that reckons with the diachronic nature of the changes in inquisitorial sources. Thus, the length of the confessions, and the richness of their detail can be linked to an evolution in the method of interrogation after 1270, caused by the greater solidity of the inquisition, by a decrease in the threat

1 Jean-Marie Vidal, *Le tribunal d'Inquisition à Pamiers* (Toulouse: Privat, 1906); Emmanuel Le Roy Ladurie, *Montaillou, village occitan: de 1294 à 1324* (Paris: Gallimard, 1975), 17.

2 Jacques Paul, "Jacques Fournier inquisiteur," in *La papauté d'Avignon et le Languedoc* (*1316–1342*), Cahiers de Fanjeaux 26 (Toulouse: Privat, 1991), 39–67.

3 Marina Benedetti, "I libri degli inquisitori," in *Libri, e altro. Nel passato e nel presente* (Milan: Mondadori, 2006), 15–32.

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of heresy, and by the political support enjoyed by the inquisitorial institution.[4] The records of the Languedoc inquisitions change extensively between the thirteenth and fourteenth centuries: as pointed out by John Arnold, Fournier's register is not simply the product of the bishop's personality, but it constitutes the apex of a process of change which was already on its way in the second half of the twelfth century, the product of a shift in the perception of the accused on behalf of the ecclesiastical authorities.[5] To search for the distinguishing features of the activity of one or the other inquisitor may, in other words, be misleading if one does not keep in mind the developments and changes which occurred in a wider chronological framework.

In the fifth part of the *Pratica inquisitionis*, Bernard Gui offers a guide *On the method, practice, and procedure used in seeking out and interrogating heretics, their believers, and accomplices*.[6] This section of the work joins the concrete experience of the inquisitorial tribunals with the theoretical formalization of the various treatises, in an attempt to make the identification of heretics quicker and more efficient. Bernard Gui operated from the conviction that the truth was systematically obscured by the heretics. A sharp semantic opposition expresses the antinomy between the "whole and certain truth" (*plena et mera veritas*) towards which the defender of the faith turns, and the "deceitful words" (*fallaciae verborum*) or the "deliberate trickery" (*excogitatae astutiae*) of the accused, who try to "hide errors in secrecy" (*latenter palliare errores*), rather than "openly confessing" (*aperte fateri*).[7] But another obstacle is described in the identification of heretics: the absence of "certain and sufficient proof" (*certa et sufficientia testimonia*) against them.[8] Given these premises, the last section of the treatise tackles the fundamental question of how to collect adequate proof, sufficiently reliable and secure to recover the truth in spite of the attempts at concealing it. This is in fact the main goal of the work: to guide the inquisitor in the collection of evidence, equipping him, on the one hand, with indispensable theoretical references—the description of

4 As suggested by Jean-Louis Biget, "I catari di fronte agli inquisitori in Languedoc, 1230–1310," in *La parola all'accusato*, (ed.) Jean-Louis Biget, Jean-Claude Maire Vigueur, and Agostino Paravicini Bagliani (Palermo: Sellerio, 1991), 235–51.

5 John Arnold, *Inquisition and Power. Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia: University of Pennsylvania Press, 2001).

6 Walter L. Wakefield and Austin P. Evans, *Heresies of the High Middle Ages* (New York: Columbia University Press, 1969), 375–445.

7 Ibid., 375–8.

8 Ibid., 377.

beliefs and rituals—and, on the other, with adequate and efficient interrogation techniques. As a true "doctor of souls," the judge, in fact, must be prepared with various medicines to cure various diseases, adapting his interrogation strategies to the characters of the various sects.[9]

The questionnaire described by Bernard Gui supports the interrogations of Bishop Fournier. The contemporaneous activity of the two judges and the collaboration between the neighboring seats of Toulouse and Pamiers form the premise for this correspondence of interests, which fits into a shared cultural reference system. We will attempt, however, to clarify the extent to which these models met the requirements of a changing panorama. The Languedoc inquisition documents, which have survived either in the original or in the subsequent copies of the Doat collection,[10] allow us to retrace the development of the methods of inquiry adopted in the region. We will therefore compare Jacques Fournier's records with other inquisition registers, highlighting the elements of continuity and change therein. Aside from Bernard Gui's manual, we will also take into consideration the registers of the inquisitors Bernard de Caux and Jean de St Pierre (Toulouse, 1245–46);[11] those of Raoul de Plassac and Pons de Parnac (Toulouse, 1273–82);[12] and that of Geoffroy d'Ablis (Carcassonne, 1308–09).[13]

Through a comparison between these documents we will pursue the fleeting idea of *hereticus* and its changing definition over the course of the interrogations. The reconstruction of the questionnaire will allow us to bring into focus the guiding criteria used to ascertain heretical belonging, retracing those boundary lines which separated the field of orthodoxy from that of heterodoxy. The picture that emerges is characterized by a multifaceted physiognomy of deviance, outlined in the questions and answers, and suspended between elements of continuity and of change. On the one hand, the experience of their predecessors afforded the ecclesiastical judges a treasure trove of information, a well-honed methodology, and complex formulae. On the other hand,

9 Ibid., 378.

10 Paris, Bibliothèque nationale de France, Doat 21–6.

11 Toulouse, Bibliothèque municipale, ms 609; edition in Jean Duvernoy, "Le manuscrit 609 de la bibliothèque municipale de Toulouse," in *Catharisme, hérésie médiévales et inédits*, http://jean.duvernoy.free.fr (henceforth: "Le manuscrit 609.")

12 Paris, BnF, Doat 25; and 26, fols. 1–78; *Inquisitors and Heretics in Thirteenth-Century Languedoc. Edition and Translation of Toulouse Inquisition Depositions, 1273–1282*, (ed. and trans.) Peter Biller, Caterina Bruschi and Shelagh Sneddon (Leiden: Brill, 2011) (henceforth: *Inquisitors and Heretics*).

13 Paris, BnF, ms 4268; *L'inquisiteur Geoffroy d'Ablis et les cathares du comté de Foix* (*1308–1309*), (ed. and trans.) Annette Pales-Gobilliard (Paris: CNRS, 1984) (henceforth: GdA).

however, sharply visible changes in the documents indicate a certain flexibility in the identification of heresy.

3.1 On the Fact of Heresy

The inquisitorial investigations were directed from the start towards an area, that of *facts*, which seemed to coincide only marginally with religious convictions. The judges were well aware of the doctrinal foundations of the various strands of heresy, but their investigations rested primarily on specific actions and behavioral patterns. Their propensity towards interrogations "on the fact of heresy" (*de facto haeresis*) rested first and foremost on the knowledge of the inaccessibility of the human soul, especially when attempts are made to conceal one's identity, and on the awareness that external manifestations were therefore the only viable way to ascertain the defendant's involvement in *mala fides*.[14] Moreover, the importance of actions in heresy investigations was tied to the inquiry's proportions and to the actual perception of the heretical threat. The notion of *factum* was in fact introduced in the interrogations in the first half of the thirteenth century, when the struggle against heretics became intensive and widespread, imposing large-scale investigations and recourse to summary procedures. The law thus created "heretical facts," elaborating categories such as *credentes* and *fautores* stemming from actions which were in fact independent from beliefs.[15]

Even so, the comparison between twelfth- and thirteenth-century inquisitorial records seems to point towards a change in direction, involving the progressive appearance of matters of faith alongside the actions of the defendant. According to John Arnold, this change occurred when the simple believers were no longer considered in the same manner—as a shapeless homogeneous mass, passively indoctrinated by a handful of heretics. The perception of a

14 On the medieval debate on the possibility to prove the inner disposition of a suspected heretic through external signs, see Peter Biller, " 'Deep Is the Heart of Man, and Inscrutable:' Signs of Heresy in Medieval Languedoc," in *Text and Controversy from Wyclif to Bale: Essays in Honour of Anne Hudson*, (ed.) Helen Barr and Ann M. Hutchison, Medieval Church Studies 4 (Turnhout: Brepols, 2005), 267–80.

15 Alain Boureau, "Droit naturel et abstraction judiciaire. Hypothèses sur la nature du droit médiéval," *Annales E.S.C.* 57 (2002), 1463–88. See also L.J. Sackville, *Heresy and Heretics in the Thirteenth Century. The Textual Representations* (Woodbridge: York Medieval Press, 2011), 190–1; Julien Théry, "Cléricalisme et hérésie des bons hommes: l'exemple d'Albi et de l'Albigeois (1276–1329)," in *L'anticléricalisme en France méridionale* (*milieu XII^e–début XIV^e siècle*), Cahiers de Faujeaux 38 (Toulouse: Privat, 2003), 471–508.

single believer as a threat would have conditioned the manner of interrogation and the character of the documents: the doctrine and the circumstances in which it was absorbed thus become relevant elements, and their importance within depositions increased.[16]

The inquisitors' investigation criteria reveal more complex connotations, which do not easily fit a binary fact/belief scheme, but it will nevertheless be useful to keep these macro-categories in mind in reconstructing Jacques Fournier's interrogations. This will be of use not just for the extraordinary union of facts and beliefs in his inquisitorial register, but also because, as we will see in Part II, Fournier himself would try to give a theological explanation to the relationship between interior convictions and external signs of heresy, locating in the field of scriptural exegesis answers to a highly relevant question for the work of the inquisition.

3.1.1 *Videre haereticos*

Bernard Gui opens the section regarding the interrogation for Manichean heresy in the following manner:

> In the first place, let the one under examination be asked whether he *has* anywhere *seen* or known a heretic or heretics, knowing or believing them to be such or to have that name or reputation; where he *saw* them; how often; with whom; and when.[17]

From the mid-thirteenth century, the act of seeing the *boni homines* constituted the determining factor around which the interrogations were configured. The inquisitors of Toulouse, Bernard de Caux and Jean de St Pierre systematically asked their defendants if they had seen the heretics.[18] The importance of the encounter with the "good men" and other believers becomes evident in the record of Narrique den Azalbert:

> The same year and day, Narrique den Azalbert said in his presence that in St Martin de Lande, near Castelnau d'Arri, at the home of Pons Durand, she *saw* G.B. de l'Aire and his heretical companions and *saw* there with

16 See Arnold, *Inquisition and Power*; and Arnold, "Inquisition, Text and Discourse," in *Texts and the Repression of Medieval Heresy*, (ed.) Peter Biller and Caterina Bruschi (York: York University Press, 2003), 63–80.

17 Wakefield and Evans, *Heresies of the High Middle Ages*, 384–5, italics mine.

18 Mark Gregory Pegg, *The Corruption of Angels: The Great Inquisition of 1245–1246* (Princeton, N.J.: Princeton University Press, 2001), 29, 45.

> them the above-mentioned Pons and his wife, who, in her presence, performed the *adoratio*. Approximately twenty years have passed. She said then that she *saw* several times in her home her son Raimond and his heretical companions, and once she *saw* separately Jordan de Mans and . . . [there follows a list of names]. And he himself adored them and *saw* some of the others performing the *adoratio*.[19]

Like the other defendants, Narrique is immediately called to testify about the occasions in which she *saw* heretics or *credentes*. But the urgency of a large-scale repression required a strict selection of the evidence, and few details become relevant for the inquisitors: an encounter, the place, the date, those present are the only recorded data.[20] In the register of Toulouse there are therefore few lists of names, accompanied by the topical and chronological data, and introduced by the formulae "Then he/she saw," "Then he/she claimed to have seen" (*Item vidit, Item dixit quod vidit*). The structure of the depositions is characterized by a sequence of encounters more or less independent one from the other, not necessarily connected through logical or chronological links. Having seen the heretics represented the tangible proof—albeit insufficient on its own—of involvement, even superficial, with heresy. Easily verified with the witnesses' depositions, this *factum* was an essential tassel in the construction of the accusation.

It is therefore understandable that in the last quarter of the thirteenth century this was still the cornerstone of interrogations. The copies of the inquiries carried out by the inquisitors Raoul de Plassac and Pons de Parnac in the years 1273–82 attest to the centrality of these encounters in the interrogations.[21] On 25 June 1273, the inquisitors of Toulouse interrogated Petronille de Castanet, who was being held *pro facto haeresis*. Their questions are reported in full: after the oath, the woman was immediately "asked whether she had seen or heard

19 "Item anno et die quo supra Narricha uxor den Azalbert ipse testis dixit quod apud Sanctum Martinum de Landa prope Castrum novum d'Arri in domo Poncii Durandi *vidit* W.B. d'Airo et socios suos hereticos et *vidit* ibi cum eis dictum Poncium et uxorem eius, et ipse testis adoravit eos ibi, et alii duo. Et sunt XX anni vel circa. / Item dixit quod *vidit* in domo propria pluries Ramundum filium ipsius testis et socios suos hereticos et *vidit* semel separatim Iordanum de Manso et (. . .)," "Le manuscrit 609," 48–9, my italics.

20 Laurent Albaret, "Les enquêtes inquisitoriales au XIII^e^ siècle dans le Midi de la France ou la pratique de l'enquête sur le grand nombre," in *L'enquête au Moyen Âge*, (ed.) Claude Gauvard (Rome: École française de Rome, 2008), 185–210.

21 Caterina Bruschi, "Gli inquisitori Raoul de Plassac e Pons de Parnac e l'inchiesta tolosana degli anni 1273–80," in *Praedicatores, Inquisitores*, vol. 1: *The Dominicans and the Mediaeval Inquisition* (Rome: Istituto storico domenicano, 2004), 146–58.

heretics or had eaten with them . . ."[22] The *factum haeresis* is first of all made up of these elements, as evident in the records of Guillaume Fournier: questioned *super facto haeresis*, he answered that "never did he either see nor hear heretics or Waldensians."[23] More ample space is given to the answers in these records than in those from thirty years prior: no longer bare lists of names, places and dates, the depositions assume a more narrative structure.

This increase in information, typical of a gradual documentary evolution, is evidenced in the register of Geoffroy d'Ablis, in which are preserved the depositions of seventeen defendants interrogated in Carcassonne in the years 1308–09. The continuity with the thirteenth-century questionnaires is still evident: the stories revolve without exception around a sequence of episodes in which the accused declares to have seen the heretics, to have hidden or accompanied them, or accuses others of having committed the same acts. However, the information offered, normally organized around the theme of the encounter with the heretics, appears far more articulate than in preceding trials.

Seeing the *boni homines* holds a strong evidential value in the register of Jacques Fournier, too. For example, let us observe the deposition of Mengarde Buscail (19 May 1321). The events narrated had occurred over twenty years prior, when, returning from the fields, Mengarde had learned from a girl who lived at home with her that bread had been baked for two men: they were guests of Guillaume, the woman's father-in-law, who lived on the floor above her.

> "Do you want to *see* them?" She answered that she would, and so, opening the door to the room a little further, Guillaume *showed* her the two men, who were dressed in dark clothes. One was older and taller than the other, and they had white hair, and sat on a bed in the room.[24]

Mengarde immediately attempts to redimension the gravity of the situation, stating that she had not entered the room, that she only saw the heretics from the door, and that no words were exchanged between them.[25] When she was

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22 "Interrogata si viderat uel audiverat haereticos vel comederat cum eis . . .," *Inquisitors and Heretics*, 184–5.

23 "Interrogatus super facto haeresis, dixit se nunquam vidisse nec audivisse haereticos nec Valdenses," ibid., 208. Other examples at 194–7.

24 " 'Vis *videre* eos?' et ipsa respondit quod sic, et tunc dictus Guillelmus aperiens hostium dicte camere magis *ostendit* ei dictos duos homines qui erant induti de blavo oscuro, et unus illorum erat senior et maior corpore alio, et erant coloris albi, et sedebant in quodam lecto qui erat in dicta camera," JF, 1: 488–9, my italics.

25 "Non intravit dictam cameram, nec aliter vidit eos nisi de dicto hostio dicte camere, nec loquta fuit cum eis, nec ipsi secum," JF, 1: 489.

interrogated again, she added that the two had become agitated seeing her, and that she had immediately left, doubting that men who were forced into hiding could be *boni homines*.[26]

The description of the encounter is not limited to the schematic recording of an event: the context and the events preceding the encounter—the return from the fields, the dialogue with the girl, the preparation of the bread—are all accurately reported, despite holding only ancillary value with regards to the inquiry. The topical moment of the sighting of the heretics preserves the usual annotations *de loco, de tempore, de presentibus*, but is not limited to these, and is furnished also with the description of the *boni homines* and of their reaction to the woman. Moreover, the physical description of the "good men" is far from accidental, and fits perfectly within a narrative scheme which is arranged around the theme of the encounter.

Jean Maury states that the "good man" he had seen "was perhaps in his forties, ruddy and somewhat white-haired, his head was shaved, and he was slightly taller than him," and that he spoke the language of Toulouse;[27] Bernadette Rives saw two *boni homines*, one of whom was "younger and shorter;"[28] Raimonde Belot speaks of a tall and dark-haired man, with a hood pulled down almost over his entire face,[29] while Gauzia Clergue describes an "elderly man who wore a dark gaberdine on his head . . . with white hair over his forehead."[30] None of these defendants remembered the full name of the men they had encountered, and some were not certain that the men in question were, in fact, *boni homines*: in the absence of a name, the information regarding physical appearance and clothing, which was otherwise rare in the register, represents the most tangible proof that the witnesses could offer.

Occasionally, the bishop's questions emerge through the negative answers of the defendants. Let us take a look at Bernard Marty's interrogation:

> And, as he had said, *he did not go* to the heretics that night, *nor did he see* anyone go to them. And *he does not know* if the next day they left or not . . . However *he did not go* with him to that place, but he made himself visible from a distance, *nor did he himself go* to that place . . . *Nor did he see*, as he said, in Ravat any heretics or anyone praising the life and the

26 "Et si boni homines essent, cur deberent latitare?" JF, 1: 490–1.

27 JF, 2: 475.

28 JF, 2: 336.

29 JF, 3: 67.

30 JF, 3: 358.

> sect of the heretics, *nor did he speak* with anyone about the heretics in Ravat.[31]

Bernard would not have supplied information on events in which he did not partake, people he did not see, places in which he had not been, had he not been meticulously interrogated on the matter. From excerpts like this, which are far from rare, we can more easily reconstruct the articulation of the interrogation, given that every negative answer corresponds to questions asked by the inquisitor, but not recorded by the notary. Fournier, however, had inherited a far more articulate questionnaire. If the encounter with the heretics constitutes the backbone of the inquiry, it is also accompanied by other important themes of investigation. It will be useful to group these by subject matter, analyzing first the role of guides and *nuntii*, in order to closely observe what happened during encounters with heretics.

3.1.2 *Nuntii, ductores, receptatores, fautores*

The *Doctrina de modo procedendi contra haereticos*, included in Bernard Gui's manual, describes various categories of *fautores* towards the heretics: these include *celatores, occultatores, receptatores, defensores*.[32] To accompany and protect the *boni homines* in their movements, or to be the bearer of their news implied taking on an active role in the propagation of heresy; secretly hosting them in one's home was all the more aggravating for the defendant, automatically exposing them to the risk of requisitions, or even the destruction of the dwelling. The opportunity to condemn believers and accomplices found further formalization in ecclesiastical legislation. Gregory IX counted among the heretics the *credentes* as well, those who adhered internally to the dualist heresy, but had not formally embraced it through the *consolamentum*.[33] With the *Vergentis in senium*, Innocent III had foreseen heavy sanctions against those

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31 "Et, ut dixit, ipse *non ivit* ad dictos hereticos nocte illa, *nec vidit* quod aliqua alia persona intraverit ad eos. Et *nescivit* si in crastinum recesserunt vel non . . . *Non* tamen *ivit* cum eo ad dictum locum, sed de longe sibi ostendit, *nec* ipse loquens *fuit* ad dictum locum . . . *Nec*, ut dixit, in dicto loco de Ravato *vidit* tunc aliquem hereticum nec aliquam personam que comendaret sibi vitam et sectam hereticorum, *nec* ipse, ut dixit, *loqutus fuit* cum aliqua persona de dictis hereticis in dicto loco de Ravato," JF, 3: 262–4, my italics.

32 *Doctrina de modo procedendi contra haereticos*, in *Thesaurus novus anecdotorum*, (ed.) Edmond Martène and Ursin Durand (Paris, 1717), 1797.

33 Othmar Hageneder, "Il concetto di eresia nei giuristi del XII e XIII secolo," in *Il sole e la luna. Papato, impero e regni nella teoria e nella prassi dei secoli XII e XIII*, (ed.) Maria Pia Alberzoni (Milan: Vita e Pensiero, 2000), 126.

who defended, welcomed, and supported the heretics, in order to target those who functioned as intermediaries between the "perfect" and the faithful. The scheme for the interrogations proposed by Bernard Gui evokes the following themes:

> Also, [ask] whether he had any familiar association with them; when; how; and who was responsible for it; also, whether he received any heretical person or persons in his home; who they where; who brought them there; how long they stayed; who visited them there and escorted them thence; and where they went.[34]

These questions recall the interrogations of the previous century. The records produced in Toulouse towards the mid-thirteenth century contain questions regarding the same facts: in the register of Bernard de Caux and Jean de St Pierre we find many occurrences relating to the *nuntii haereticorum*, with the function of messengers, the *receptatores*, who made their homes available to the heretics, or the *ductores* who accompanied them in their movements.[35]

Exploring these themes allowed the inquisitor to create a sort of map of the places frequented by the heretics, of the families which hosted them, of the people who actively supported them.[36] The inquisitors were therefore extremely interested in any news regarding the ways in which believers mediated and shared information, thus weaving a solidarity network in support of the heretics. The survival of these themes in the interrogations of the fourteenth century is justified by the shift in heretical presence in Languedoc. The success of the inquisitorial repression and the exhaustion of the movement's propulsion had by then caused the heresy of the *boni homines* to enter a phase of involution. In this context, the activity of a small group of "good men" was sustained by the silent support of active and dynamic helpers. The repression could not disregard the dismantlement of this underground network.

Geoffroy d'Ablis also focused the interrogation on the *fautores* of the heresy. Preceding Fournier's inquiry by over a decade, his inquiries still seize a moment of feeble ascent of the religion of the *boni homines* in the region, thanks to the

34 Wakefield and Evans, *Heresies of the High Middle Ages*, 384–5.

35 "Le manuscrit 609," examples at 15–20, 59, 64–5, 122, 141–6, 171–6. Pegg, *Corruption of Angels*, 45–6.

36 As the *domus* of Benet, Belot, Maurs, Azéma from Montaillou or Marty from Junac, see Le Roy Ladurie, *Montaillou, village occitan*; on the families mentioned in the records of 1308–09, see GdA, 44–52.

preaching of the Authié brothers and to the mobilization of the faithful that made it possible. A direct comparison between the records of Geoffroy d'Ablis and Fournier bears witness to the changing times through the figures of the *ductores*. This is the interrogation related in two reports of Geoffroy d'Ablis:

> Asked who took the heretics away from her home when they left . . . who led them . . . if they came by day or by night . . .[37]
> Asked if he had accompanied the heretics from one place to another . . . about how he knew that they would have come to such a place at such an hour . . . if they had stayed long at Larnat in his home . . . about what people visited him there . . . if the heretic had stayed there . . . if any strangers had seen the heretic . . . where the heretics came from . . . if anyone escorted them . . .[38]

The continuity of these themes during the investigation in the Pamiers court emerges for example, albeit in a very different context, in the trial of Bernard Marty of Junac, brother of the *haereticus* Arnaud. The testimony given by Bernard in 1324 reveals in fact the dispersion of a family that was very active in d'Ablis' time, but had by then been destroyed by the inquisitorial repression. The testimony reveals the discrepancy between two periods separated by the intervention of the inquisition: the accounts of the very active *ductor*, always moving between Junac, Quié, Larnat and Luzenac following his brother, clearly contrast with the more recent memories, which briefly precede his arrest. Two of Bernard's sisters fled to Catalonia, the *haereticus* Arnaud lost his life on the pyre, the father was strangled out of fear that he would press charges. Bernard, captured after attempting to flee to Catalonia, was condemned to prison. Retracing the plot of the interrogation underlying Bernard's confession is difficult: not just because the questions are only rarely reported in explicit fashion, but also because the information organized around the traditional 'heretical facts' are framed by countless details: concerning the defendant's movements,

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37 "Interrogata quis abstraxit dictos hereticos de domo sua quando recesserunt . . . Interrogata quis adduxit eos . . . Interrogata si veniebant de die vel de nocte . . .," GdA, 216–18.

38 "Interrogatus si associavit dictos hereticos de loco ad locum . . . Interrogatus quomodo sciebat dictus testis quod dicti heretici deberent ad dictum locum tali hora venire . . . Interrogatus si tunc dicti heretici fuerunt diu apud Larnatum in domo sua . . . Interrogatus que persone visitaverunt eos tunc ibi . . . Interrogatus si remansit ibi dictus hereticus . . . Interrogatus si alique persone extranee viderunt tunc dictum hereticum . . . Interrogatus unde veniebant dicti heretici . . . si aliquis homo associabat eos . . ." ibid., 296–302.

Fournier records itineraries and people encountered, dialogues and silences, even taking note of the *haereticus*' calls of nature.[39]

While the information regarding who led the *boni homines* from one hiding place to the next multiplies in Fournier's records, the testimonies of some shepherds on the matter become particularly rich: constantly moving along the mountain paths of the eastern Pyrenees, they transferred information, and very often accompanied and hid the *boni homines* along these inaccessible routes.[40] Thus it is understandable that their itineraries were meticulously noted down by the inquisitorial notary, as were the long journeys and the length of their employment, the names of the shepherds encountered in the mountain *cabanas*, in the summer pastures, or along the transhumance paths. Even with their redundancy of particulars, the accounts are still configured around the thematic nucleus of the encounter with the heretics.

3.1.3 *Encounters and Rituals*

However, escorting the heretics or supplying them with information was not in itself sufficient proof to ascertain the religious identity of the defendant. The inquisitors therefore looked for clues that would clarify what had happened during these encounters. Participation in rituals, easier to verify than the suspected heretics' religious convictions, constituted in the eyes of the inquisitor one of the 'heretical facts' of the greatest circumstantial weight. The *adoratio*, or *melioramentum*, was for the inquisitors one of the first warning signs for adhesion to the heresy, as evidenced by its presence across the board in the Languedoc registers of the twelfth-thirteenth centuries. With this gesture of homage, one expressed respect for the "good men," asking for their blessing and intercession with the Lord. It represented, therefore, the passage from a passive attendance to a deliberate adherence to the faith of the *boni homines*, into which the inquisitorial interrogations delve.

The *adoratio* assumes a central role in the register of Bernard de Caux and Jean de St Pierre: it is the decisive event which determines a prison sentence, and the reference theme for any defendants who may have been present at the heretics' sermons.[41] The survival of certain formulae over a very long time span is surprising, and the description of the *adoratio* is among the most enduring

39 JF, 3: 253–95.

40 Transcripts of Pierre Maury (JF, 3: 110–252), Jean Maury (2: 469–519), Guillaume Maurs (2: 170–93).

41 "Le manuscrit 609," 2.

of all.[42] The production of often repetitive and not necessarily informative documents is part of the authoritative image of an institution which found legitimization in that same documentary redaction.[43] After all, as we have seen, a confession did not necessarily have to add new information to what the inquisitor already knew. Even if the judge's efforts were aimed at gathering more elements, the defendant was first of all bound to confirm those points on which the accusation was founded, including the details of the description of a ritual. The more it coincided with the rituals described in the manuals, the more the testimony rang true.

In the register of Toulouse of 1245–46 every testimony is studded with a myriad references to the *adoratio*. When meager annotations such as "worshipped the heretics" (*adoravit dictos haereticos*) combine with a description of the ritual, the formula used is always the same, and is characterized by its fixity: "[The accused] adored them three times kneeling, saying: 'Bless us, good men, and pray for us.' "[44] The same elements feature also in the Toulouse records of the years 1273–82,[45] in those of Carcassonne of 1308–09,[46] reappearing almost word for word in Fournier's register.[47] In particular, ritual reverence was considered by Geoffroy d'Ablis a crucial clue of involvement in heresy: the

42 The faithful would kneel three times, pronouncing the formula "Benedicite, boni christiani; orate Dominum pro nobis quod Deus custodiat a mala morte et perducat nos ad bonum finem." The perfects answer with a blessing and added a formula of this sort: "Deus vos benedicat et a mala morte eripiat animam vestram et ad bonum finem vos perducat;" see Wakefield and Evans, *Heresies of the High Middle Ages*, 382; and Raoul Manselli, *L'eresia del male* (Naples: Morano, 1963), 231–40.

43 Arnold, *Inquisition and Power*, 87–8. See also *Texts and the Repression*, (ed.) Biller and Bruschi; James Given, *Inquisition and Medieval Society: Power, Discipline and Resistance in Languedoc* (London: Cornell University Press, 2001), 25–5.

44 "Adoravit eos ter flexis genibus, dicendo 'Benedicite, probi homines, orate Deum pro nobis,' " with numerous examples, see "Le manuscrit 609," 9–23, 27–9, 40–6.

45 "Interrogata quo modo adoravit eos, dixit quod flexis genibus, dicens 'Benedicite;' et ipsi respondebant 'Sanctus Spiritus vos benedicat,' *Inquisitors and Heretics*, 184–5; further examples at 198, 218, 240, 288, 350.

46 "Fecerunt melhoramentum coram dicto heretico, flectendo ter genua et in qualibet genuflectione dicebat 'Benedicite,' et heretici respondebant: 'Deus vos benedicat,' " GdA, 314; examples are again numerous, given the importance of the *adoratio* ritual within interrogations.

47 See the transcripts of Alazaïs Azéma: "... ter flectendo genua coram eo dicendo qualibet vice: 'Benedicite, bone christiane, ora pro nobis,' et dictus hereticus respondebat qualibet vice: 'Deus te benedicat et perducat te ad bonum finem,' " JF, 1: 317.

question was almost automatic after the accused had admitted to seeing the *boni homines*.[48]

In Fournier's records, the emphasis is placed more on participation in the *consolamentum* (*haereticatio* in the inquisitorial vocabulary). Marking the receiver's passage to the state of *perfectus* through the baptism of the spirit and imposition of the hands, in dualist theology, the ritual represents the only medium that can ensure the liberation of the soul from the cycle of reincarnations, and its eternal salvation. Together with the *adoratio*, this event assumes a central role in the bishop of Pamiers' interrogations, and a well-structured questionnaire delves into more of its details. As with the *adoratio*, the *consolamentum* foresees certain ritual passages which are codified in standard formulae in the inquisitorial documents. Such descriptions do not appear to have acquired relevance yet in the mid-thirteenth century registers: all that we find in the records of Bernard de Caux and Jean de St Pierre is the oral voice expressing the matter at hand (*haereticare*), followed by a list of those present. Even the documents of Pons de Parnac and Raoul de Plassac do not dedicate much space to the *consolamentum*, but the notary often records a new element: whether the sick person died or not after the heretication.

Geoffroy d'Ablis and Jacques Fournier also frequently led the inquiry around the theme of the *consolamentum*. The expectations of the inquisitor of Carcassonne on this aspect are based on very few elements: the heretic holds a book over the sick man's head and, kneeling, murmurs a few words.[49] The description of the heretication becomes more complex in Fournier's register, bearing witness, on the one hand, to a growing interest for this event, and, on the other hand, exemplifying the expansion of information which characterizes the documents of Pamiers.

Let us take the example of Gauzia Clergue, summoned to Pamiers in 1325.[50] Following a time in prison, the defendant relays the heretication of her daughter Esclarmonde:

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48 GdA, examples at 115, 120–7, 147, 151, 265, 306, 318, 321.

49 From the transcript of Alamande de Sos: "Interrogata de modo hereticationis, dixit quod dictus hereticus tenebat quendam librum supra caput dicte infirme in quo legebat quedam verba de quibus non recordatur, nec dicta verba poterat, ut dixit, bene intelligere quia sumissa voce legebat;" a similar description follows after a few lines: "Interrogata de modo hereticationis seu receptionis huiusmodi, dixit quod dictus hereticus tenebat super caput dicti infirmi quendam librum in quo legebat quedam verba que ipsa testis non poterat intelligere, ut dixit, et facta dicta hereticatione dictus hereticus recessit," GdA, 244–6.

50 JF, 3: 356–68.

> "Daughter, do what the man here (that is, the heretic) tells you, for he comes to receive you and save your soul." And Esclarmonde answered that she would do it gladly, and raised her hands and arms towards the heretic. He extended his hands over the sick woman, who was still able to speak, and, leaning over her and placing his hands and the sack containing the book over the sick woman's head, he remained in this position for some time, saying some words . . . Having done this, Raimond Belot said to the speaker [Gauzia Clergue] that she should rejoice greatly, for her daughter had been received by that *bonus homo*.[51]

Gauzia dwells on the moment of the heretication, which she reconfirms in the previously mentioned constitutive elements. We can however observe a great deal of space devoted to the narration of the events leading up to the moment in question. The woman recounts how she had been worn out by her daughter's illness, both for the pain and for the cost it had involved.[52] She dwells then on the godfather's intervention to carry out the heretication, and on the decision to act in secret in order to conquer the woman's fears, given that "the devil had made her a coward." Gauzia then reports her dialogues with her daughter concerning the opportunity of receiving the *consolamentum*, and she remembers the arrival of the heretic, accompanied by the godfather. The succession of events reconfirms certain characteristic aspects of the testimonies of Pamiers: every passage is described in depth, with details and dialogues in direct speech which present the *confessio* in a distinctly narrative configuration, differentiating it from the schematic iterations of the thirteenth-century records.

3.1.4 *Comedit, dedit*

The possibility that the defendant might have received the bread blessed by the heretics was often investigated in the court setting. The insistence and the orderliness with which the accused were interrogated if they had eaten bread blessed by the heretics are particularly evident in the fourteenth-century

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51 " 'Filia, faciatis illud quod dominus qui est hic (id est hereticus) dicet vobis, quia ipse venit ad recipiendum vos et salvandum animam vestram.' Et dicta Sclarmonda respondit quod hoc libenter faceret, et tunc dicta Sclarmonda elevavit manus et brachia versus dictum hereticum; quo facto dictus hereticus extendens manus super dictam infirmam, que adhuc loquebatur, et inclinans se super eam, ponenedo manus et dictum doblerium in quo erat liber super caput dicte infirme, stetit sic per aliquam longam pausam, dicendo aliqua verba . . . quo facto dictus Ramundus Belhoti dixit ipsi loquenti quod multum debebat gaudere, quia dicta filia eius erat recepta per dictum bonum hominem," JF, 3: 364.

52 JF, 3: 361.

records. Apart from this ritual, it is interesting to observe the space occupied in the records by dietary annotations. Their frequency leads to the presumption that they were precious clues in the inquisitors' eyes. Already in the records of Bernard of Caux and Jean de St Pierre we find this kind of occurrences, evidently brought about by the inquisitors' questions: the indication that believers, *nuntii* and heretics share the same refectory often goes beyond the typical selection of information for this record.[53] The fact that eating with the heretics was a clue to involvement in the heretical faith is proven by the insertion of this *factum* in the interrogation.[54] Geoffroy d'Ablis' register confirms a determined interest in this sort of information: the defendants were asked "if they had ever eaten or drunk with the abovementioned heretics, what [the heretics] ate, where they had obtained what was necessary for their board, if they ate meat, eggs or cheese."[55] Investigating what the heretics ate meant gathering information on fasts and dietary rules, which the inquisitor knew well. In Fournier's register, the frequent dietary annotations confirm, moreover, the effort made to record the context of events in the most detailed manner possible, and to document the habits of the *boni homines*. Furthermore, they constitute eloquent clues of adhesion to heresy, not only in the eyes of the inquisitor, but of the defendants themselves, who often said they recognized the "good men" precisely by observing what they ate. Answering Jacques Fournier's questions, Pierre Maury states, for example, that he recognized the heretics *ex cibis*.[56] He then tells how Bélibaste pretended to eat meat, while actually he did not even touch it: he had in fact hidden some fish, and ate it without letting anyone see him.[57]

The gifts sent to the heretics constituted similarly solid evidence: the degree of the defendant's involvement with the heretical faith is measured also according to the products that the accused "gave or sent to the *boni homines*."

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53 At time we also find information on the food: "Et omnes comederunt ibi cum dictis hereticis panem, vinum, ficus et racemos," "Le manuscrit 609," 185; "... comederunt ibi panem et vinum et multa alia comestibilia, racemos," ibid., 119.

54 "Interrogatus utrum dixit cuiquam quod ibi viderat hereticos et comederat cum eis," ibid., 125.

55 "... si umquam comedit vel bibit cum dictis hereticis, quid comedebant, unde habebant ea predicta que erant sibi necessaria pro victu suo, si comedebant carnes, ova vel caseum," GdA, 118, 182, 202, 214, 220, 252, 256.

56 JF, 3: 112.

57 JF, 3: 187–8. Pierre Maury provides information about the preparation of food for the *haereticus*: "Ramunda decoxit carnes predictas in quadam olla, quam posuit basse ad ignem, et de contro alia olla pro heretico, quam posuit super ignem, ut aliquid de la fereza [i.e. meat] non posset intrare in olla piscium," JF, 3: 190.

Such occurrences are interspersed throughout the fourteenth-century registers: Fournier's notaries took note of the products sent to the heretics, without leaving out the context of their preparation and their transportation. The memories of the defendants are surprisingly clear: food, drink, clothes, objects and money are listed complete with all the details concerning the variety and quantity. Flour and wheat, bread and focacce, oil, honey, fish, cabbages, fruit, or wine emerge from the memories of those called to testify.[58]

3.2 Questions about Belief

Jacques Fournier thus inherits from the thirteenth-century inquisitorial methods an interrogation structure strongly focused on the idea of *factum haeresis*, in which the encounter with the heretics emerges as one the most significant pieces of evidence for heretical belonging. This event strongly influences the course of the depositions, constituted by the pronouncement of narrative cells centered around the circumstances in which the defendant *saw* the *boni homines*. A varied and articulated questionnaire was aimed at clarifying, especially through the analysis of behavior and actions, the quality of the defendant's involvement with heresy. The survey of the 'facts' was understandably useful for investigative purposes: where religious convictions were undefined and elusive, these facts, instead, constituted more reliable evidence, as they were verifiable through a comparison of depositions. However, the verification of the religious identity of the defendant also involved the teachings they had heard, and in which they may have believed, at some point. The inquisitors attempt in various manners to direct the investigation towards the religious universe of the defendant, and even in this case, their expectations profoundly condition the records of the information obtained.

3.2.1 *"To Praise the Faith and Sect of Heretics"*

The bishop of Pamiers very frequently dwells on the doctrines which the defendants had learned during the heretics' preaching, or on the themes on which the religious teaching was erected as it spread from one believer to the next. As mentioned earlier, in this late phase of dualist heresy, the simple believers offered the *boni homines* decisive support, not just through material aids, but also by repeating their teachings. The backbone of this preaching was the praise (*laudatio* or *commendatio*) of the *boni homines*, and their juxtaposition

58 JF, 1: 325, 316, 344.

with the ministers of the Roman Church. Let us consider the account of the situation reported by Bernadette Rives, who was interrogated by Fournier in April 1323:

> Narbonne told her that those men who flee were 'good men' and 'good Christians,' that they did no evil, they did not kill animals, they did not lie, they did not touch women, they ate neither meat nor blood, and suffered persecutions as believers in God . . .[59]

The description appeals to the excellent conduct of these good and holy men, who do no evil and live an ascetic lifestyle, shunning earthly materiality, be it represented by sex, violence, or bodily nourishment. Normally the defendants declare that they heard someone praise the heretics, and they report the words heard. The bishop then asks whether they believed in the praise (*si credidit*), and for how long. The same elements recur in formulae which we find crystallized in many depositions. Mengarde Savinhan had heard that "the abovementioned heretics were *boni homines*, they harmed nothing, they did not lie and did not eat meat, nor blood."[60] Guillaume Escaunier heard from his mother that the heretics "were good and holy men, and had strong faith. They did not harm anyone, they did not kill, nor did they reciprocate evil with evil."[61] Praising the *boni homines*, Guillelmette Benet repeated the same formulae: they did no harm, they refuse all physical contact with women, they do not eat meat nor meat products, they follow the way shown to them by the apostles Peter and Paul, they endure evil and persecutions.[62] Bernard Marty had also heard that they did not lie, they did not eat meat, eggs, cheese, nor any meat product, but only fish; morally antithetical to the Catholic clergy, they followed

59 "Narbona dixit ei quod illi domini qui fugantur sunt boni homines et boni christiani, et nulli rei malum faciebant nec occidebant aliquod animal nec mentiebantur nec tangebant mulieres nec comedebant carnes vel sanguinem, et sustinebant persecutionem propter Deum . . .," JF, 2: 337.

60 ". . . dicti heretici erant boni homines et non faciebant malum alicui rei, nec menciebantur nec comedebant carnem vel sanguinem," JF, 2: 153.

61 ". . . erant boni homines et sancti et tenebant bonam fidem et non faciebant malum alicui nec aliquid interficiebant nec reddebant malo pro malo," JF, 2: 9.

62 "Dictus homo erat talis qui nullum malum ipsi loquenti nec alicui rei bone faceret, nec vult quod aliqua mulier eum tangat, nec comedit carnem nec sanguinem nec ova nec caseum, set solum utitur cibis quadragesimalibus . . . Tenebat viam et bonam fidem Dei, et illam viam et fidem quam tenuerant apostoli Petrus et Paulus, et quod sustinebant multa mala et persequtiones propter Deum . . .," JF, 2: 359.

the way of God, the same that had been followed by the apostles Peter and Paul.[63] The elements fixed in the formulae are occasionally attached to other details, aimed at indicating the goodness and holiness of these men: according to Pierre Maury, they did not cross through sown fields nor through vineyards, in order to avoid damaging the crops.[64]

But most of all, the *boni homines* possess *bona fides*, and have the power to save souls. They are the only ones with this ability: it is not possible to save oneself without them, because only those who receive the *consolamentum* will enter into Heaven after death. Bernardette Rives continues: "they save souls, and men cannot be saved except through these people; and these men have good faith, life and sect, and they follow the way of God, and the faith held by others is worth nothing."[65] Thus, a second thematic nucleus emerges: the *boni homines* stand out not only for a perfect life and an exemplary morality, but also for the redeeming value of their mission. Inserted along this binary we find the significance—and the threat—of an alternative path to the one indicated by the Roman Church.

This interpretation of the ongoing persecutions was not lost to the believers. Although she denied believing it, Alazaïs Boret had heard "that the heretics saved more in their faith, than the Catholics in ours," and that they were persecuted because of the excessive power (*nimia potentia*) of the Roman Church: without these persecutions they would have been more numerous than the Catholics.[66] The opposition between the two churches is also expressed through the semantic subversion of the term *haereticus*: those who are called *haeretici* are actually *boni homines*, while the true heretics are those who persecute them. Let us observe the centrality of the theme of salvation in the *laudatio* of the 'good Christians,' beginning with the depositions of Brune Porcel, Alazaïs Azéma, and Mengarde Savinhan:

63 "... et quod non mentiebantur nec comedebant carnes, ova vel caseum, nec aliquid natum ex carne nisi solum pisces, et tenebant fidem quam tenuerant sancti Petrus et Paulus apostoli ...", JF, 3: 253.

64 "... nec transirent per campum seminatum blado vel vineam ne aliquod dampnum inferrent bladis vel vineis," JF, 2: 385.

65 "... et quod illi salvabant animas, et quod homines non poterant salvari, nisi transirent per manus dictorum dominorum; et quod dicti domini tenebant bonam fidem, vitam et sectam, et tenebant viam Dei, et quod fides quam alii tenebant nichil valebat ...," JF, 2: 337.

66 "Plures essent de eis quam de aliis gentibus", JF, 2: 315.

Brune Porcel	. . . they are good and holy men, and only they have the good faith and can save souls, and men cannot be saved if they are not received in their sect and in their faith. The *boni homines* do not lie, nor do they kill anything, and they do not eat meat.[67]
Alazaïs Azéma	These *boni homines* are called heretics by the others, but instead they are good and holy, they are men of great penance, because they do not lie and they harm no one, they do not kill animals, and they do not eat meat . . ., they do not have carnal knowledge of women, and they can save the souls of men and women. For this reason, as they themselves say, they were *boni homines*.[68]
Mengarde Savinhan	. . . the abovementioned heretics were *boni homines*, and they caused no harm, they did not lie, and they ate neither meat nor blood, they saved souls, and man could not be saved except through their hands. They absolved men from all sins, and whoever was received by them would immediately enter paradise.[69]

The almost constant presence of these themes in Fournier's register demands some consideration. The fact that the praise of the heretics appears almost systematically every time the investigation turns to the beliefs of the defendant suggests, on the one hand, that the teachings of the faith actually set out to draw the initiated closer by describing the exemplary model of the *boni*

67 ". . . sunt boni homines et sancti, et illi qui solum tenent bonam fidem et possunt animas salvare, et ipsi soli possunt animas salvare, nec homines possunt salvari, nisi per eos recipiantur ad sectam et fidem eorum, et dicti boni homines non menciuntur nec occidunt aliquam rem nec comedunt carnes," JF, 1: 383.

68 "Dicti boni homines sunt illi qui ab aliis heretici vocantur, sed tamen ipsi boni sunt et sancti, et homines magne penitencie, quia ipsi nec menciuntur nec faciunt malum alicui, nec interficiunt aliquod animal, nec comedunt carnes..., nec mulieres carnaliter cognoscunt, et quod ipsi possunt animas hominum et mulierum salvare, et propter hoc, ut dicebant ipsi, erant boni homines," JF, 1: 309.

69 ". . . dicti heretici erant boni homines et non faciebant malum alicui rei, nec menciebantur nec comedebant carnem vel sanguinem, et salvabant animas, et quod homo non poterat salvari nisi transiret per manus eorum, et quod absolvebant homines ab omnibus peccatis, et quod recepti per eos incontintenti intrant paradisum," JF, 2: 153.

homines and their salvific abilities.[70] This seems to find confirmation in the section of Gui's manual "Concerning their method of religious instruction."

> In the first place, they usually say of themselves that they are good Christians who do not swear or lie or speak evil of anyone; that they kill neither man nor beast nor anything which has the breath of life; and that they hold the faith of the Lord Jesus Christ and His Gospel, as Christ and the apostles taught it. They say that they occupy the place of the apostles and that it is because of the foregoing facts that the members of the Roman Church, to wit, the prelates, the secular and regular clergy, and especially the inquisitors of heretics, persecute them and call them heretics, just as the Pharisees persecuted Christi and His apostles.[71]

A few pages later, Bernard Gui includes these themes in the inquisitorial questionnaire: the accused, he instructs, must be interrogated if they believe that the heretics are 'good men,' and that they ensure salvation.[72] Fournier's records, too, demonstrate that the praise of the heretics was part of the inquisitorial questionnaire. Bernard Marty is "asked if then, or since then, he believed in such errors, that is, that the heretics are good and holy men, that they save souls, or contribute to save them, and that no one can be saved except in their faith . . ."[73]

The same thematic nucleus can be traced in its embryonic form in the thirteenth-century registers. In the register of Bernard de Caux and Jean de St Pierre, the following formula occurs: "[He/she] believed that the heretics were good men, that they had the good faith, and that thanks to them, one could be saved."[74] This formula, fixed and crystallized, contains the two groups of elements—the heretics are actually *boni homines*, and can lead to salvation—that will return in the subsequent registers. Their inclusion in the inquisitorial

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70 Anne Brenon, "Le catharisme des montagnes. À la recherche d'un catharisme populaire," *Heresis* 11 (1988): 53–74.

71 Wakefield and Evans, *Heresies of the High Middle Ages*, 383.

72 Ibid., 385–6.

73 From the interrogation of Bernard Marty: "Interrogatus si tunc vel ex tunc credidit dictos errores, scilicet quod dicti heretici essent boni homines et sancti, et quod salvabant animas vel iuvabant ad salvandum ipsas, et quod nullus poterat salvari nisi in fide eorum, et quod nullus etiam salvari poterat, nisi transiret per manus eorum, et quod recepti per eos absolvebantur ab eis ab omnibus peccatis, et incontinenti post mortem eorum anime salvabantur," JF, 3: 267.

74 "Credidit hereticos esse bonos homines et habere bonam fidem [et esse veraces et amicos Dei] et posse salvari per ipsos." Examples in "Le manuscrit 609," 16, 19, 25–27, 38–40.

questionnaire is also evident in the documents of Toulouse of 1273–82,[75] but it is in the court of Geoffroy d'Ablis that concise and essential formulae give way to more complex descriptions.[76] Even in this case, the *laudatio* was clearly part of the questionnaire.[77]

The survival of these themes in the inquisitorial registers does not appear to be merely based on the actual proselytism strategies aimed at the new recruits. Without wishing to deny that the description of the *boni homines* was a way to draw new believers to the faith, the continuity of this theme in the inquisitorial documents is surely owed to its inclusion in the questionnaires. The repetition of narrative modules crystallized in the court papers is first of all explained by the value accorded to them by the judging authorities: the proof that was sought after was all the more certain the more it conformed to this model. If we consider that the praise of the heretics was the theme on which the investigation into the religious convictions of the accused was most often focused, it is once again surprising to observe its strongly empirical value. There emerges the importance of the heretics' lifestyle and of behavioral norms that presupposed precise doctrinal reasons, but which were left unexpressed. Once again, the investigation into the faith rested on foundations that were at the margins of the *factum haeresis*. With its concrete and tangible images, the commendation of the heretics fulfilled at once the needs of the investigation, and those of preaching.

3.2.2 *To Deny the Roman Church. Sacraments, Articles of Faith, Sermons*

To what point, however, did the judges of the faith attempt to gain knowledge of the beliefs of their defendants? The fourteenth-century registers show without a doubt a greater preoccupation with the religious convictions of the suspected heretics. As we have observed thus far, the continuity of the themes of inquiry based on behavior, necessarily leads us to be more cautious with the idea of a clear documentary evolution occurring in the fourteenth century: the *factum haeresis* continues to form the backbone of the interrogation, but, as is

75 "Interrogata utrum credebat hereticos esse bonos homines et veraces et per ipsos posse salvari, dixit quod sic," *Inquisitors and Heretics*, 184, 290, 294.

76 The heretics "non jurabant nec menciebantur nec faciebant malum homini et talem vitam ducebant . . . tenebant viam et fidem Dei et apostolorum, ita quod non jurabant nec menciebantur et quod non comedebant carnes, caseum nec ova et quod faciebant magnas abstinencias et magna jeiunia," GdA, 118; "faciebant magnas abstinencias et faciebant tres quadragesimas in anno et quod habebant potestatem salvandi animas," ibid., 250.

77 Raimond Vaissière was interrogated "si credidit quod heretici essent boni homines et quod tenerent bonam fidem et quod homo posset salvari per eos et in fide eorum et si credidit predicationibus et erroribus eorum," GdA, 202.

the case in Fournier's register, the investigations go well beyond the external marks of heresy.

Let us examine once again the register of Bernard de Caux and Jean de St Pierre. Once they had ascertained that the defendants had seen the *boni homines*, the inquisitors tried to verify a limited number of errors. They asked the accused if they had heard that God is not the creator of visible things, that the consecrated host is not the body of Christ, that baptism and matrimony do not ensure salvation, or that bodies are not resurrected. These were the themes around which the investigation of doctrine would center: this scheme was followed pedantically by the inquisitors, who were satisfied with a concise record of the answers.[78]

References to the heretics' preaching often feature in the register of Pons de Parnac and Raoul de Plassac, too, but they still come under the scope of an interrogation centered on facts and events: participation in the sermons of the "good men" is recorded, but its contents are left in the shadows. "Asked if she heard the preaching and admonitions of the same heretics," Petronille de Castanet "said that she had," but the contents of the preaching were left silent.[79] Stefan Roger confines himself to saying that "on the way he heard the words and admonitions of the aforesaid Raimond Vital, heretic;"[80] Bernard Hugues,[81] Raimond Baussan,[82] Rixende de Miravalle[83] admit—or name others—to having listened to the sermons of the heretics, but they are not held to specify their subject matter. This lacuna in the information can, after all, be explained through canon law. The decree *Ad abolendam* (1184) condemned heretical preaching, declaring anyone who preached in public or private without authorization a heretic. Irrespective of its contents, the unauthorized sermon was considered in itself a sign of heresy. Therefore the inquisitors needed only to

78 "De baptismo, de hostia sacrata, de matrimonio, de resurrectione carnis non audivit hereticos loquentes," "Le manuscrit 609," 6; "quod Deus non fecerat visibilia et quod hostia sacrata non est corpus Christi et quod baptismus aque nichil valet et quod in matrimonio non est salus," ibid., 3; "et audivit eos dicentes quod Deus non fecerat visibilia et quod hostia sacrata non erat corpus Domini, et quod in baptismo et matrimonio non erat salus et quod corpora mortuorum non resurgent," ibid., 16; or in the negative form: "non audivit eos dicentes quod Deus non fecerat visibilia. De matrimonio . . ., de hostia . . . non audivit eos loquentes," ibid., 85.

79 "Interrogata si audivit predicationes et monitiones eorumdem haereticorum, dixit quod sic," ibid., 186–7.

80 ". . . in via audivit verba et monitionem predicti Raimundi Vitalis, heretici," ibid., 236–7.

81 Ibid., 326–7, 346–7, 350–1.

82 Ibid., 468–9, 474–5.

83 Ibid., 534–5.

ascertain that the defendant had listened to the words of the *boni homines*, whereas the contents of the sermons do not constitute a priority with regards to the inquiry: the heresy was proven through the very act of preaching.[84]

A few other elements appear in the early-fourteenth-century documents. Traces of the contents of the heretics' sermons are present in the register of Geoffroy d'Ablis. Geraud de Rodes admits, for example, that he participated in the sermons of the *boni homines*, and is invited to specify "what these heretics preached." After a generic allusion to *multa verba* that he did not remember well, he mentions the creation of visible things, and the denial of the sacraments.[85] Pierre de Tinha also dwells on the teachings of the "good men:" they practice fasts, they have the power to save souls, they deny the sacraments, and believe the cult of saints to be idolatry.[86]

Criticism of the Church and refusal of the sacraments were accorded great import in the anticlerical inquiries, and it was upon these themes that the judges focused their attention. Geoffroy d'Ablis asks Blanche de Rodes "if she had heard the abovementioned heretics say anything against the Roman Church or the Catholic faith concerning the ecclesiastical sacraments, that is, baptism, matrimony, the sacrifice of the Mass or the body of Christ, or anything else against the Roman Church;"[87] the same questions direct the confessions of Alamande de Sos,[88] Arnaud Issaura[89] and Pierre de Gaillac.[90] Even the false teaching on the sacraments was considered equal to heresy in the decree *Ad abolendam*, which defined as a heretic anyone who had convictions that

84 Grado Giovanni Merlo, "Sulla predicazione degli eretici medievali. Pretesti storiografici e metodologici," in *Chiesa, vita religiosa, società nel Medioevo italiano*, (ed.) Mariaclara Rossi and Gian Maria Varanini (Rome: Herder, 2005) 446–7; John H. Arnold, "The Preaching of the Cathars," in *Medieval Monastic Preaching*, (ed.) Carolyn Muessig (Leiden: Brill, 1998), 185.

85 GdA, 104.

86 Ibid., 250.

87 "Interrogata si audivit loqui dictos hereticos aliquid contra Ecclesiam Romanam vel fidem catholicam de sacramentis ecclesiasticis, videlicet de baptismo, de matrimonio, de sacrificio misse seu corpore Christi vel de quibuscumque aliis que sunt contra fidem ecclesie Romane," ibid., 228.

88 "Interrogata si audivit predicationem et monitionem eorum, loquendo aliquid contra ecclesiam Romanam et fidem catholicam et contra sacramenta ecclesiastica, videlicet de sacrificio misse, de baptismo et de matrimonio . . .," ibid., 242.

89 "Interrogatus si audivit unquam eos loqui aliquid contra ecclesiam Romanam et contra sacrificium misse et sacramenta ecclesiastica videlicet de baptismo, de matrimonio et de signo crucis . . .," ibid., 312.

90 The notary Pierre de Gaillac personally wrote his own deposition: "Et fui interrogatus quid dicebant dicti heretici de ecclesia Romana . . ." ibid., 334–8.

were different to the sacramental doctrine of the Church.[91] In the Carcassonne court, refusal of the Catholic faith was often ascertained on the basis of the refusal of baptism, the Eucharist, and matrimony.

Dualist theology, on the other hand, features rarely in the register of Geoffroy d'Ablis. The theories of double creation and of reincarnation of souls are rarely attested to: more often, the inquisitor of Carcassonne explored the doctrinal principles of heresy from the opposite point of view, concerning himself with those aspects of orthodoxy that the *boni homines* tried to deny. In the identification of heresy, the main route is indicated by Catholic doctrine. Similar questions, aimed at verifying heretical beliefs *a contrario*, were also provided for by Bernard Gui, who advises to ask the defendant

> what he heard said or taught by the heretics against the faith and sacraments of the Roman Church; what he heard them saying about the sacrament of the Eucharist; about baptism, matrimony, confession of sins to priests . . .[92]

In other words, the idea of 'heretic' being imposed contained overall very few dogmatic and doctrinal points, but took the form of criticism of ecclesiastical hierarchy, and its role in the journey towards salvation. Obedience to the Church, witnessed through sacramental practice, became a fundamental demarcation between orthodoxy and heresy.[93] After all, these assessment criteria had not been elaborated by the inquisition alone, but were based on the actual ambition of the religious movements to establish alternative paths to the Roman Church: not just indicating the apostolic model followed by the *boni homines*, but also refusing the sacraments and repudiating the moral dignity of the Catholic clergy.[94]

The interrogation methods of Jacques Fournier mark a profound change in this respect. Urged by the bishop's questions, the religious convictions of the simple believers forcibly enter the depositions, showing a greater interest for what the faithful had heard preached, thought, believed, and, in turn, had taught. As has emerged several times now, the inheritance of a questionnaire

91 Hageneder, "Il concetto di eresia," 109–10.

92 Wakefield and Evans, *Heresies of the High Middle Ages*, 385.

93 About obedience as a fundamental demarcation of orthodoxy, see Lorenzo Paolini, "Bonifacio VIII e gli eretici," in *Bonifacio VIII* (Spoleto: Centro italiano di studi sull'Alto Medioevo, 2003), 413–44; Hageneder, "Il concetto di eresia."

94 Raoul Manselli, "L'eresia catara come problema storiografico," in Ovidio Capitani, *L'eresia medievale* (Bologna: Il Mulino, 1971), 137.

which had been codified a long time back, still survived in Pamiers, and was aimed at ascertaining first and foremost the external signs of heresy. Many trials reveal that only superficial attention was paid to the defendants' convictions, which are reduced to formulae of praise or to the instances of encounters with the heretics.

For example, the fact that Pierre Majeur had personally accompanied a "good man" does not require an in depth investigation into his religious involvement, whereas the inquiry concentrates on his participation in a heretication.[95] We might make the same observations with regards to the four witnesses who appeared before the bishop to confess that they had participated in the *consolamentum* of Guillaume Guilabert: the records still penalize the beliefs, in favor of concrete details of the heretication which took place.[96] Along the same lines we find the case of Guillelmette Clergue, niece of the *haereticus* Prades Tavernier. Her accusations for Manichaean heresy repeat the same factual details examined thus far: "she was strongly suspect of heresy because she saw, listened to, and adored the heretics, and believed their heretical words, and sent some things to the same heretics."[97] Brune Porcel, natural daughter of Prades Tavernier, was also accused of the fact that

> she saw, adored, and listened to the sermons of the heretics of the Manichaean sect; she was one of their believers, she accompanied them, participated in the heretication of some people, gave and brought them [things] both belonging to her and to others; she hid them, and made promises to the abovementioned heretics.[98]

These arguments would be the focus of the trials against Guillelmette and Brune: despite their extremely detailed confessions, there is very little space dedicated to the religious convictions of the defendants. The two depositions are developed around the theme of the encounter with the heretics, while the inquiry into beliefs was mostly confined to the occasions in which someone had praised the *boni homines*. Guillelmette seems to have a very marginal position

95 JF, 1: 331–3. See also the case of Fabrisse den Rives, 1: 323–30.

96 JF, 2: 255–7.

97 "Vehementer de heresi erat suspecta quod vidisset, audivisset, adorasset hereticos et eorum verbis hereticalibus credidisset et aliqua eciam eisdem hereticis misisset," JF, 1: 334.

98 "... vidisset, adorasset, sermones audivisset hereticorum secte manichee, *eorum credens esset*, eos associasset, in hereticationibus aliquarum personarum presens fuisset, eis tam de se quam de alieno dedisset et portasset, eos celasset, et promisisset se dictis hereticis," JF, 1: 382, my italics.

towards heresy. Despite a period of imprisonment, and the questions aimed at clarifying "whether she believed" (*si credidit*), proof of her involvement in the heretical faith was not forthcoming: Guillelmette denied any involvement, and the bishop did not insist further.[99] Brune diminished her own adhesion to the heresy by reporting the words she exchanged with Alazaïs Rives. Allegedly it was the latter who convinced Brune to convert: " 'You do not believe? Say that you believe!' And so she said that she believed."[100] Yet the only record of her religious convictions is the praise of the heretics.

Nevertheless, other cases show a different inclination on Fournier's part, intent on exploring in a more detailed manner the religious universe of his defendants: in the trials of Pamiers, the doctrinal inquiry became in many cases an essential part of the trial. The praise of the *boni homines* constituted a privileged channel for ascertaining heresy, but the bishop disposed of an articulate questionnaire which, when necessary, touched upon the doctrinal foundations of the various heresies. As was the case for Geoffroy d'Ablis, Fournier also considered criticism of the Roman Church, of the sacraments, of the clergy's customs, or the Catholic doctrine as a sign of support of heresy. Jean Rocas was imprisoned because "he said and asserted many heresies, and committed many heresies".[101] He expounded his opinions on baptism: *bonus est*, but its value is neutralized if good deeds are not performed, for, in order to absolve certain sins, all the water in the world would not suffice. For him, the function of baptism is first of all social, as it enables many new friendships to be forged.[102] The Eucharist and priesthood are also submitted to his critical examination: he does not believe that the sacrament of the altar could happen simultaneously in different places, nor in this case would he allow unworthy priests to touch it. On the contrary, since all are equal before God, even a Jew or a pagan could administer the sacrament of the altar.[103] Jean's convictions, which cannot easily be traced to a particular heresy, fit within an interrogation scheme which pivots on the refusal of Catholic doctrine: the investigation

99 "Interrogata si credidit quod heretici essent boni homines et sancti, et quod animas salvarent, ut ei fuerat dictum per matrem suam et fratrem et avunculum suum et amitam, et per alias personas superius nominatas, respondit quod non," JF, 1: 348.

100 " 'Non credis hoc? Dicas quod dicta credis!' et tunc ipsa dixit quod credebat," JF, 1: 383.

101 "... dixisset et asseruisset multas hereses, et facta hereticalia fecisset," JF, 2: 244–8.

102 Jean Rocas does not believe that "aliquis sit christianus nisi faciat bona opera," JF, 2: 244–5.

103 JF, 2: 245–6.

focuses on the sacraments, on the incarnation, the passion and resurrection of Christ, and on universal judgment.[104]

Fournier, however, is not satisfied with discovering a denial of the Catholic faith: the defendants' opinions assume new significance in the eyes of the bishop, who was determined to investigate them further. The faith of the suspected heretics thus finds space in many depositions, in response to a resolute investigative effort. The trial of Pierre Maury stands out, for example, for an extremely in-depth interrogation. The records are of an extraordinary character, reflecting Fournier's interest in the accounts of the shepherd of Montaillou who had escaped to Catalonia: the documents are very lengthy, and, after the *confessio*, also report a list of sixty-three questions and answers, numbered in the margin.[105] The interrogation focuses on the central themes of Manichean doctrine: the Trinity, the dualist theory of creation, reincarnation, the *consolamentum*, the Scriptures, the incarnation, passion and resurrection of the Son. The interrogation proceeds then with the opposition between the two churches. The remission of sins, the redeeming function of the sacraments, the ability to absolve, the value of indulgences are the themes on which many questions center. The interrogation then deals with the refusal of tithes and of Catholic festivities, with the criticism of capital punishment and of holy war.

Fournier also interrogates Jean Maury, Pierre's brother, in an equally exhaustive manner. As in the previous case, the questions are recorded at the end of the report, preceded by the *confessio* and followed by a list of heretical articles extrapolated by the bishop.[106] The inquiry into Manichean doctrine is once again combined with questions which attempt to establish the boundaries of heterodoxy, beginning with the refusal of Catholic doctrine.[107] However, Fournier goes so far as to examine the heretics' sermons: the heretics' teachings are reported with precision by Jean, at times even in the form of direct speech. The sermons of the *boni homines*, their myths and their parables can be considered among those depositions which are exceptional for the richness of the reports, and for the fluid character of an account in which the traces of the questionnaire are hard to detect.

The annunciation of the descent of God and of his incorporeal 'adumbration' in the womb of Mary is the beginning of the long sermon reported

104 JF, 2: 242–3. On the coincidence between heresy and doubts about the articles of the faith, see Hageneder, "Il concetto di eresia nei giuristi," 110–5.

105 JF, 3: 217–51. On Pierre Maury see Le Roy Ladurie, *Montaillou, village occitan*, 118–32.

106 JF, 2: 507.

107 JF, 2: 469–519, in particular 498–506.

by Jean Maury.[108] No less than four sermons of the *haereticus* Bélibaste are reported by Arnaud Sicre too, who, as we have seen, had reached a group of fugitives in Catalonia with the aim of betraying them and handing them over to the ecclesiastical authorities.[109] Sibille Peyre speaks of the sermons she had heard approximately sixteen years earlier, which focused on the juxtaposition between the clergy and the 'good Christians,' on dualist cosmology, on incorporeal incarnation, and on the manifest passion of the Son. The woman reports mythical stories of the fall of souls, and on their imprisonment in the 'tunic' of the body.[110]

One of the most in-depth inquiries on the religious convictions of the defendants emerges from the records of the Waldensian deacon, Raimond de la Coste. Fournier knew that with him he could delve further into more elevated subjects, and what he seeks in the no less than twenty-four hearings with Raimond is a confession that might embrace the cornerstones of Waldensian preaching. In one of the hearings, the defendant himself urges the interrogation, begging Jacques Fournier, Gaillard de Pomiès and Jean de Beaune to direct their questions towards the sacraments and the articles of the faith.[111] The inquiry, however, is broadened further, embracing a wide ambit of themes. The documents from his trials demonstrate on the one hand the objective of organizing the accumulated data: the documents are followed by two lists of errors obtained during the hearings, classified by subject matter.[112] Aside from facilitating the evaluation of each case, a precise categorization would have proven useful for future inquiries: re-elaborating the material into groups of *errores*, the document assumes a more formal character in this sense, similar to that of anticlerical treatises. It is no coincidence that this list of errors is close to the one offered by Bernard Gui on the subject of Waldensians: harking back to David d'Augsbourg, the *Pratica* constitutes a link between the experience of the courts and anticlerical treatises.[113]

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108 JF, 2: 480.

109 JF, 2: 20–81.

110 JF, 2: 404–11.

111 "Supplicavit eisdem et super fide catholica et articulis fidei audirent et examinarent eum, dicens se paratum dicere illud quod de fide catholica, articulis et sacramentis fidei sentit," JF, 1: 45.

112 They were "Errores contra Ecclesiam romanam, Errores contra sacramentum ordinis, Errores contra purgatorium et suffragia Ecclesie que fiunt pro defunctis, Errores contra vota, Errores contra missiones ad predicandum, Errores contra interfectionem malefactorum, Errores contra baptismum (. . .), Errores contra iuramentum . . .," JF, 1: 106–22.

113 Wilhelm Preger, "Der Tractat des David von Augsburg über die Waldesier," *Abhandlungen der Historischen Klasse der Königlich-Bayerischen Akademie der Wissenschaften*, 14.2 (1878): 229–32.

In the inquisitorial reorganization, the common thread running through the *errores* is their self-identification as *contra*, that is, in opposition to the articles of the faith and the Catholic sacraments. In particular, the refusal of the oath, considered a mortal sin, is the focus of the trial against Raimond, intertwining with the question of obedience. Is one obliged to obey the Roman Church if it teaches values such as the lawfulness of an oath? Would Raimond consider valid an excommunication received for refusing to make an oath? He replies that he is not held "to obey the Church, for one must obey God more than men."[114] He then clarifies the margins within which a Christian is held to obey the Church: every Christian must obey the Roman Church in every way in all things that do not contradict the precepts of God: in this, no one must obey either the Church nor anyone else."[115] The theme of obedience re-emerges several times in similar terms: which authority should be obeyed, the *maior* or the pope? Should the pope or God wield the authority to send someone to preach, usually claimed by the *maior*?[116] Is it lawful to excommunicate someone who does not obey the pope?[117] Who has the power to administer the sacraments or to sanctify?[118]

The reference to God rather than the pope spares Raimond on a number of occasions from having to choose an alternative route to that of the Roman Church: the *maior* is, in fact, subject to the Church of Rome "in that which follows [the will of] God."[119] It is therefore necessary to obey the Church in God's teachings, and not in what the Church itself has established. More than in other trials, disobedience appears in the interrogations of the Waldensian as the fundamental divider between orthodoxy and heresy. Even Bernard Gui identifies the "contempt of ecclesiastical authority" (*contemptus ecclesiastice potestatis*) as the distinctive feature of heresy in the Waldensians: they refuse to recognize "our lord pope," and are disdainful of papal decrees and constitutions.[120]

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114 "Non debet obedire Ecclesie quia magis oportet obedire Deo quam hominibus," JF, 1: 53.

115 "Quilibet Christianus debet in omnibus et per omnia obedire Ecclesie romane in hiis que non sunt contra Dei preceptum, in quibus nullus debet obedire Ecclesie nec cuicumque alteri," JF, 1: 54.

116 "Interrogatus si eorum maioralis potest dare auctoritatem predicandi ubique presbiteris suis . . . Interrogatus si dictam potestatem mittenti ad predicandum suos presbiteros maior eorum habet a domino Papa, vel habet eam inmediate a Deo . . ." JF, 1: 77–8.

117 "Interrogatus, cum maior eorum nec ipsi obediant domino Pape in modo celebrandi missam et in ordinibus dandis, nec in mittendis presbiteris ad predicandum, utrum credat quod dominus Papa licite et iuste potest excommunicare . . ." JF, 1: 80.

118 JF, 1: 57–63; "Interrogatus si credit quod maior eorum apud eos, vel dominus Papa in Ecclesia romana, possit definire et declamare quod aliquis sit sanctus," JF, 1: 66.

119 JF, 1: 65.

120 Wakefield and Evans, *Heresies of the High Middle Ages*, 388.

According to Raimond, in fact, the repression of Waldensians was caused by the refusal to be subjugated more than by doctrinal deviance: the Church "does not consider the Waldensians as heretics, but persecutes them because they are disobedient to the Roman Church."[121]

In the process of identifying the bad seed of heresy, doctrine and actions appear inextricably linked in Jacques Fournier's court. Heterodox membership is perceived at once as a behavior and a thought crime, and, despite a certain unbalance with regards to the former, the two attributes fulfill equal importance. For a long time, heretical facts had provided the judges of the faith with the safest and most dependable elements of proof: in their concreteness, they were the easiest to verify, and they answered better to the needs of an accelerated procedure. It was these facts and these actions that subdivided the fluidity of the behavior in a series of accusations, identifying a degree of guilt, and fixing the corresponding punishments.

Despite the growing presence of religious convictions in the inquisitorial registers, the legacy of the previous investigation methods was never obliterated, and attention to the 'heretical words' (*verba haereticalia*) became interwoven with the factual reconstruction without ever taking its place. Detachment from the Roman Church became a central criterion to identify heterodox dissidence, forming the common ground of a multifaceted 'heresy of disobedience.' Support of heresy was manifested, according to Fournier, sometimes in the praise of the heretics, sometimes in the vilification of the Catholic hierarchy, or in the denial of the doctrine of the sacraments, or even in the refusal to place the pope before God. Detachment from the Roman Church, manifest both in words and in deeds, is perceived as the binding element in a multiform heretical presence. As we shall see, a few years after the Pamiers inquiries, Fournier himself, now cardinal and official theologian of the pontifical curia, elaborated a theological response to the question of the problematic and constituent relationship between the intimacy of conscience and its external manifestations.

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121 "... non tenet eos nec habet pro hereticos, sed, ut dixit, eos persequitur quia sunt inobedientes romane Ecclesie," JF, 1: 103.

CHAPTER 4

The Extension of Heretical Paradigm

Encompassing new and old elements, the questionnaire of Jacques Fournier was aimed at reconstructing a very specific heretical profile. Nevertheless, many court cases present a more nuanced and undefined canvas, in which the models fixed by manuals for inquisitors become more complex with the onset of new ideas and new behaviors. During the hearings, the outlines of heresy become malleable, and start to embrace new indictments. Far from being episodic or accidental, these new elements can be traced through many court procedures which, despite being opened against suspected Manicheans, let transpire a broader framework for the heretical paradigm. This chapter examines three types of 'errors' which evade traditional identification schemes, but were nonetheless used in the search for heretics: they form a group of themes which can be traced back to the sphere of sexuality, criticism of the ecclesiastical order, and religious doubt founded on direct and concrete experiences. Similar elements often suffice to spark suspicion of heresy: deviant behavior, doubt, protest against tithes, or derision of the clergy penetrate the episcopal tribunal, blending in with the Manichaean and Waldensian heresies, and becoming subject to the classification requirements of the bishop. We will attempt to gather the importance of these themes in the Pamiers inquiries, attributing them to the need to gather proof and clues, to the administrative needs of the diocese, or to the multitude of functions fulfilled by the bishop-inquisitor. Originating at the margins of Manichean doctrine, nourished by the imposition of tithes, or founded on beliefs which were widespread in Languedoc, this unrest became an integral part of Fournier's court, submitting to unrelated interpretative categories.

4.1 The Bishop-Inquisitor and the Duality of Justice

On 30 July 1322, while he led two mules loaded with wheat along the road between Tarascon and Ax-les-Thermes, Pierre Vidal encountered a teacher and a priest, and continued his journey with them, discussing religion along the way. Following that conversation, the two reported him, and the next day Pierre was arrested for heresy.[1] In fact, during the journey, the religious men

1 *Le Registre d'Inquisition de Jacques Fournier, évêque de Pamiers (1318–1325)*, (ed.) Jean Duvernoy (Toulouse: Privat, 1965) (henceforth: JF), III, 296–304.

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had provoked him with questions such as: "And if you were to find a prostitute, and fixed a price with her, and were to have intercourse with her, do you believe that you would not be committing a sin?" Pierre had initially been evasive, answering that had it been a mortal sin, he would have confessed to it. But upon the interlocutors' insistence, he admitted that such a union did not seem like a mortal sin to him, given the pleasure it would generate, and the mutual arrangement of the price.[2]

The trial for Pierre, accused for his opinions on the lawfulness of sexual relationships with a prostitute, followed the usual inquisitorial procedure, with five witnesses called to testify before Fournier and the lieutenant of the inquisitor of Carcassonne. Why, however, were opinions on the association with a prostitute examined by inquisitorial justice? Were they not perhaps formalized in penitential books, rather than in manuals *ad usum inquisitoris*? "Ecce aytal pecada m'es vegnuda!" ("So it is that such a sin befell me!"), lamented Pierre before the priest who had reported him. But how is the link between "aytal pecada" and a charge of heresy established? Which elements made it possible to associate the case of Pierre Vidal to the heretical sects which had been fought for almost a century in the courts of the friars of the inquisition?[3]

Besides the association with prostitutes, a multicolored picture of illicit relations entered medieval inquisition courts. The inquisitorial registers are scored by a great many cases of extramarital relations, be they adulterous, homosexual, or incestuous. In the field of inquiries broadly centered on the *factum haeresis*, deviant behavior and conduct become sufficient indications to feed suspicions of heresy. Subverting the frontiers of the relationships that the Church had fixed within matrimony, non-conformist sexual behavior was frequently associated to irreligiosity.[4] Deviant morality, the disavowal of matrimony, the legitimization of extramarital relations are themes that appear in the inquisitorial records from the thirteenth century. But blurring between sins

2 JF, 3: 296–304.

3 On the proximity between confession tribunals and inquisitorial justice, see Paolo Prodi, *Una storia della giustizia. Dal pluralismo dei fori al moderno dualismo fra scienza e diritto* (Bologna: Il Mulino, 2000); Elena Brambilla, *Una giustizia intollerante* (Rome: Carocci, 2006); Christine Caldwell Ames, *Righteous Persecution. Inquisition, Dominicans, and Christianity in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2009); Jacques Chiffoleau, *La Chiesa, il segreto e l'obbedienza. La costruzione del soggetto politico nel Medioevo* (Bologna: Il Mulino, 2010).

4 Pierre J. Payer, *Sex and the Penitentials. The Development of a Sexual Code* (Toronto: University of Toronto Press, 1984); Carla Casagrande and Silvana Vecchio, *I sette vizi capitali. Storia dei peccati nel Medioevo* (Turin: Einaudi, 2000); James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), 430.

of carnal lust and heretical error is particularly frequent in the trials of Jacques Fournier: the bishop pays particular attention to the licentious conduct of the accused, often seeing it as indicative of an underlying doctrinal error.[5]

Teaching heresy, criticizing matrimony, and legitimizing *fornicatio* are themes which interlace in many of the Pamiers trials. This link is particularly evident in a series of trials involving several women accused of having adhered to the Manichaean heresy, and of having been lovers of the same man: he was the parish priest of Montaillou, Pierre Clergue, sympathizer of heretics and uncontrollable seducer, heedless of all matrimonial and blood ties.[6]

Grazide, Pierre Lizier's widow, had been one of his lovers. The young woman appeared before Fournier on 19 August 1320, in order to answer questions regarding her involvement with heresy and the rape she had allegedly suffered at the hands of Pierre Clergue, her relative.[7] The events had taken place seven years prior: the girl, then fourteen years old, was an unmarried virgin, and lived with her mother Fabrisse, who had been cast out by her husband for her heretical tendencies.[8] The family context on its own fuelled suspicions of heresy, but the inquiry developed principally around the relation with the priest. Fabrisse worked as a tavern hostess, and Pierre Clergue was easily able to surprise Grazide on her own. He lay with her under the cover of the hay barn, but according to the woman's declarations, he did not commit any violence. On the contrary, with Fabrisse's consent, the relations between Pierre and Grazide continued in her mother's house, and were not even interrupted when, having compromised the girl, the priest made sure to find her a husband. Even after the wedding, Grazide continued to meet her lover with the consent of her husband, who tolerated her infidelity as long as it did not extend to other men.

Having ascertained the facts, Fournier went on to explore the underlying opinions. Pleasure seems to supplant every other moral imperative, overrunning any hesitation over adultery and incest: Grazide does not, in fact, believe that she was committing a sin precisely "because it pleased her and the priest." Despite holding that "every sexual relation between a man and a woman

5 Irene Bueno, "Dal *carnalis concubitus* all'*heretica pravitate*. Sesso, matrimonio ed eresia nel tribunale di Jacques Fournier (1318–1325)," *L'Atelier du CRH* 4 (2009), url: http://acrh.revues.org/index1205.html.

6 On Pierre Clergue, see Emmanuel Le Roy Ladurie, *Montaillou, village occitan: de 1294 à 1324* (Paris: Gallimard, 1975), 222–9; Matthias Benad, *Domus und Religion in Montaillou: Katholische Kirche und Katharismus im Uberlebenskampf der Familie des Pfarres Petrus Clerici am Anfang des 14. Jahrhunderts* (Tübingen: Mohr, 1990).

7 JF, 1: 302–6.

8 See the deposition of Fabrissa den Riba, JF, 1: 323–30.

displeases God," the woman was convinced that sin does not subsist in virtue of the reciprocal pleasure of the two lovers. Not even if her husband had opposed the idea, the defendant declares during the interrogation, would she have changed her mind.[9]

After almost two months of prison, Grazide admitted that she had been instructed by the priest about the notion of carnal sin. At first, she had been persuaded not to report him, given that Clergue had been useful to her in finding her a husband. The fear of being mistreated or even killed by him or by his brothers had then reinforced the decision. But when she had finally decided to accuse her lover, the priest's philosophy had revealed itself most clearly: his precepts rested on the derision of the idea of carnal sin, on equating all women to one other, even when they are blood-related ("since it was as much a sin with one as with the other,") on pleasure as antidote to sin. As in the case of Pierre Vidal, the principle of pleasure becomes the springboard and the justification for an adulterous and incestuous relationship carried on for months, if not years. In addition there arises another element: the condemnation of any sexual relationship, even between a husband and wife, is paradoxically resolved with the rehabilitation of all relations, including extramarital and incestuous ones. In fact, since "every carnal union between a man and a woman is displeasing to God," the priest concludes that "one woman is the same as the next," and this syllogism becomes an efficient weapon of amorous persuasion. These themes recur in many other trials. On the one hand, they came under the priest's seduction strategies, as other testimonies against him prove. But on the other hand, the pronouncement of certain motivations, codified in often identical formulae in the trial records, is also tied to the needs of the heresy inquiry opened against Clergue. The priest's numerous lovers, in fact, are called to refer the manner in which he molested both their body and their soul.

Raimonde Guilhou was summoned towards the end of April 1321. The long trial, which saw the accused questioned around ten times, and condemned to prison almost two years later, revolved around the woman's implication in Manichaean heresy, her encounter with the "good men," and her association with other *credentes*. Raimonde reported various members of the Clergue family for their adhesion to the heretical faith, and she did not omit to report some of the words of the priest of Montaillou. One day, while she was removing his fleas, he had explained to her that "to know a woman carnally was not a sin:" all unions are legitimate, except those with a mother or a sister. As in

9 "Cum hoc sibi et dicto sacerdoti placeret," JF, 1: 303; "Omnis carnalis coniunctio viri et mulieris Deo displiceat," ibid.

other occasions, the precept combined well with the amorous advances: Pierre "urged her to give herself to him," but Raimonde knew that the priest was inclined to repeat these words, thus "deceiving women."[10]

Analogous dynamics recur in the case of Mengarde Buscail: following a first interrogation in which she confessed to her implication in Manichean heresy, relating her encounters with the heretics, and the *consolamentum* of her mother-in-law, Mengarde was invited to testify against her lover Pierre Clergue.[11] The confession summarizes the development of the relationship: around six years earlier, a boy sent to her by the priest had convinced her to go to Montaillou, telling her that she was expected there by the count's prosecutor. In reality, it was the priest who was waiting for her, to make his amorous propositions to her. At first, Mengarde hesitated, thinking that it would be a "great sin," since she was a widow. But in this case, too, Clergue explained to her that it did not constitute a sin. The woman had thought that the devil must have placed those words in his mouth, and this had triggered an indignant reaction from the priest: "How dare you contradict me, there is no woman I could not have, insisting with her in the way I have insisted with you!" Mengarde finally consented that he should do as he wished with her, and from then on, the priest took to visiting her in her home during the night.

A few years earlier, Béatrice de Lagleize had also given into the advances of Pierre Clergue, who became an assiduous and energetic lover. Fournier began to investigate the case of Béatrice, having learned of certain heresy-tinged discussions she had had regarding the miracle of the eucharist. The confessions made by the woman over the course of eight hearings, however, went beyond this accusation: the testimonies unraveled like an autobiographic tale, covering weddings, widowhood and clandestine relations, weaving them together with her approach to heresy, and her description of magical practices and natural remedies. But a central role in Béatrice's long confession is played by the relationship with the priest, which is reported in detail.[12] The courtship had begun in church, behind the altar of Mary, during one of Béatrice's confessions. "There is no woman in the world whom I love as much as you," the priest had declared to her. But the woman feared she would compromise her salvation, and was determined to resist, until the priest's pressure moved, strategically, into doctrinal territory. In this case, too, the lecture on matrimony and sin ensured the priest's success. The precepts were always the same: the emptiness of matrimony as a sacrament, and the equivalence of carnal sin

10 JF, 2: 221–34, in particular 225.

11 JF, 1: 488–507.

12 JF, 1: 214–50; Le Roy Ladurie, *Montaillou, village occitan*, 222–9.

committed with one's husband, with other men, with a priest, or with a relative. It was upon these pillars that the relationship between Béatrice and Pierre Clergue developed for a year and a half, scrupulously annotated by the inquisitorial notary.

Fournier's attention to detail in the story appears due to the fact that the development of the relationship coincided with the woman's initiation to heresy. This explains the significance acquired by details such as the fact that the amorous encounters were not even suspended for Christmas Eve, and that the following day the priest would have celebrated the mass without attending confession. The contempt shown towards the precepts of the Catholic Church, and the intertwining of passion and heterodox conversion are duly recorded in their particulars, culminating in the irreverent image of the bed which the priest had prepared in the church in order to welcome his lover.

Even so, Béatrice's testimony does not conclude with a confession of heresy. One need only note that the accused supplied the inquisitor with an accurate description of the contraceptive she used with Clergue: it consisted of a certain herb capable of impeding conception, to which the two recurred every time they made love:

> When he wanted to have carnal knowledge of her, he would bring this thing wrapped and tied in a linen cloth, of the size and weight of an ounce, or of the first phalanx of the little finger. It had a long string that the priest would tie to the woman's neck when he lay with her. And this thing which he called a herb hung between the woman's breasts falling down to the opening of her womb. He always placed this thing in this manner whenever he wanted to know her, and it remained at the woman's neck until he wanted to get up. (. . .) And if the priest wanted to have carnal knowledge of her two or more times, before lying with her he would ask where said herb was: she would find it thanks to the chords which she had at her neck, and would place it in his hand.[13]

13 "Et tunc quando volebat ipsam qui loquitur carnaliter cognoscere, portabat quamdam rem involutam et ligatam panno lineo, grossitudinis et longitudinis oncie, vel iuncture primi digitis minoris manus ipsius que loquitur, et habebat quemdam filum longum quem ponebat in collo ipsius dum commiscebatur cum ea, et dicta res quam dicebat erbam pendens in filo descendebat inter mamillas eius, et stabat in orificio stomachis ipsius que loquitur, et dictam rem semper sic ponebat quando eam carnaliter cognoscere volebat, que manebat in collo ipsius que loquitur, quousque dictus sacerdos surgere volebat . . . Si aliquando in una nocte bis vel plures ipsam carnaliter cognoscere vellet, dictus sacerdos petebat ab ea, antequam ei coniungeretur, ubi dicta erba erat, quam ipsa accipiens, inventam per cordam quam habebat in collo, ponebat in mano eius," JF, 1: 244.

Feelings and seduction strategies, meetings and quarrels, phrases and gifts exchanged between the lovers are all reported with precision. Pierre Clergue was not Béatrice's only lover, and it was, in fact, during a relationship with another priest, Barthélemy Amilhac, that the woman fell most deeply in love.[14] This time it was Béatrice who invited Barthélemy, her daughters' school master, to her home, declaring her love to him. Fournier records the attempts to keep the lovers' meetings secret, the urgency of moving to avoid degrading gossip, and the lovers' quarrels. Béatrice appears frightened by the devastating strength of her feelings, so intense that she believed she had been the victim of a *maleficium*: since she had already been in menopause when the relationship had started, she found this all the more disturbing, since she was of an age that she reputed ill-suited to love.[15]

The confession of Béatrice de Lagleize thus broadens the themes which emerged in the depositions of all the accused who had been summoned to testify against Pierre Clergue. These trials exhibit significant internal coherence: in all cases, attention is focused on the figure of the priest, a heretic and untiring seducer. Fournier gathers information which remains analogous from one trial to the next, focusing on the lascivious conduct of the priest, and on the theoretical support offered by teachings which originated at the fringes of Manichean heresy, such as the disavowal of the sacrament of matrimony, and the leveling of all carnal sins. Each new deposition made against the priest confirms the structure of those which preceded it, because it is the trail that the bishop followed in the Clergue case: his aim is to demonstrate that libidinal excess and doctrinal error run one alongside the other. No one could embody this connection better than a heretic concealed in ecclesiastical robes, ready to manipulate dualist doctrine to suit his licentious purposes.

In the court it is thus possible to identify the—at times elusive—link between deviant behavior and heresy: a link which for a long time had fuelled controversy among the Catholic polemicists and others, and which did not fade at the time of the Manicheans and Waldensians. Was the priest of Montaillou, however, the author of a personal re-elaboration of the doctrine of the *boni homines*, or did his teachings have a larger following in the region? Do the same elements of the Clergue dossier recur in other inquiries too?

Frequent in the Pamiers records is the link between condemnation of matrimony and legitimization of extramarital relations. Some of these themes must have featured in the *boni homines*' sermons. Whoever listened to their sermons knew how severe their judgment on sexual behavior was: "Every

14 JF, 1: 251–9.

15 JF, 1: 214–50, 252–3.

carnal union (. . .) is mortal sin," the *haereticus* Bélibaste declares, adding that when someone knew a woman carnally, the stench of that sin ascended to the vault of the sky and would extend to the whole world.[16] Considering all sins equal because they compromised the soul in equal measure, the *boni homines* rejected all transgressions of absolute chastity. Sibille Peyre relates the following words of the heretic Pierre Authié, which provide a summary of the dualist vision of matrimony:

> A good matrimony is had when our soul is united to God out of good will, and this is the sacrament of matrimony. But carnal matrimony, that is the union between a man and a woman, is not matrimony, but a sort of association. Carnal union between them is always sinful, and all the more if the man gained carnal knowledge of a woman who was a stranger, not united to him in matrimony: in fact, the carnal act is practiced more between spouses, who lie together with less shame.[17]

The leveling of all sexual relations, and the highest disapproval of those carried out between spouses were thus part of the heretics' teachings.[18] If many religious movements of the High Middle Ages condemned matrimony, the dualist matrix of Manichean heresy could only go so far as to reject conjugal union: the essence of the sacrament was redirected towards the union of the soul to God, while every carnal act, especially between husband and wife, was considered sinful. Only the *boni homines*, however, were held to maintain an ascetic behavior.[19] Indeed, on the margins of Manichean doctrine, the field was open for interpretations which, condemning all unions, tended to place them all on the same level, so much as to legitimize all of them.

According to Guillaume Escaunier, Jacques Authié taught that marriage is not worth anything, and that the union with one woman or another is indifferent, since it is the same sin. Even if Escaunier had misunderstood the heretics'

16 "Quando aliquis cognoscebat carnaliter mulierem, fetor illius peccati ascendebat usque ad capam celi, et dictus fetor se extendebat per totum mundum," JF, 2: 500.

17 "Dicebat dictus hereticus quod bonum matrimonium erat quando anima nostra per bonam voluntatem Deo coniungitur, et illud erat sacramentum matrimonii, set matrimonium carnale, scilicet coniunctio mariti et mulieris non erat matrimonium, set quedam societas, et quod coniunctio carnalis inter eos semper erat peccatum, et maius quam si vir cognosceret carnaliter mulierem extraneam non sibi matrimonialiter copulatam, pro eo quia magis inter coniuges actus carnalis frequentabatur, et magis inverecunde coniungebantur," JF, 2: 411.

18 Similar teachings are reported by Raimonde den Arsen, JF, 1: 374.

19 Lorenzo Paolini, "Amore e matrimonio negli eretici medievali," in *A Ovidio Capitani. Scritti degli allievi bolognesi*, (ed.) Maria Consiglia De Matteis (Bologna: Patron, 1990), 125–58.

teachings, one can sense how flimsy the discrepancy was between condemnation and legitimization of all unions for those who listened to such sermons.[20] As a matter of fact, the equivalence of every sexual sin was an easy argument used to seduce virgins, married women, widows or blood relations.

Raimonde Testanière began her approach to heresy through the teachings of Arnaud Vidal, becoming his lover. Teaching her the doctrine of the *boni homines*, Arnaud told her that a church wedding is worthless, and that every sexual relationship is a sin, even the one between husband and wife. He later added that there is no sin if a male believer lies with a female non-believer. These teachings allowed him to circumvent both the blood ties between Raimonde and himself, and the doctrinal differences that separated them initially. But, in time, the intermingling of religious teaching and sexual desire would mark Raimonde's alienation from heretical faith: according to her, the new apostasy took place when her spiritual mentor tried to rape her.[21]

Far from being a mere expedient for seduction, opinions of this sort seem to attract a good many followers. On the one hand, they could take shape within the gap left open by a morality which, in effect, was meant for the *boni homines* alone, leaving simple believers even more lacking in guidelines. But on the other hand, these opinions are magnified by the inquisitorial lens, which is quick to observe behavioral deviance along with the doctrinal sort. Thus, aberrant sexual behaviors become somehow automatically a sign of heterodox belonging in Fournier's questioning sessions. The bishop investigates closely any extramarital relationships, considering them symptomatic of underlying heretical leanings. The polemical attack against heresy drew substance also from charges of laxness and debauchery: not only does sexual deviance become a sign of heterodoxy, but it sets heretics even farther apart from the pious faithful, by emphasizing their depravation.[22]

Some trials show the mechanisms that led to constructing a charge of heresy around issues which were primarily disciplinary. Let us return to the case, already discussed, of Grazide Lizier, lover of Pierre Clergue. During the first hearing, the interrogation is centered almost exclusively on the relationship with the parish priest. The bishop first of all tries to understand whether the

20 JF, 2: 7–19.

21 JF, 1: 455–70.

22 Grado Giovanni Merlo, *Eretici e inquisitori nella società piemontese del Trecento* (Turin: Claudiana, 1977), 72–3; Merlo, "Non conformismo religioso e repressione antiereticale," in *Storia della Chiesa*, vol. 11: *La crisi del Trecento e il papato avignonese, 1274–1378*, (ed.) Diego Quaglioni (Cinisello Balsamo: San Paolo, 1994), 448–77; see also Jacques Chiffoleau, "Dire l'indicible. Remarques sur la catégorie du *nefandum* du XII^{e} au XV^{e} siècle," *Annales. Économies, Sociétés, Civilisations* 45 (1990): 289–324.

defendant "believed she was committing sin" (*credebat peccare*) or she thought she could lie with the priest just as with her husband without committing sin. He asks her whether she knew that the priest was related to her, whether she thought that her union displeased God, and whether she would have ended the relationship if her husband had opposed it. Then Fournier steers away from the specific case, in order to ascertain Grazide's opinions on the union of any man (*homo quicumque*) with any woman (*cum quacumque muliere*): does the principle of pleasure legitimize every relationship even in this case? During the ensuing session, Fournier hones in on the creation of material things, a topic apparently not linked with the previous one, and more strictly tied to the dualist doctrine. Then again, Grazide is suspected of Manichean heresy: the link between sin of the flesh and heresy is readily established during legal proceedings.[23]

The importance of *carnalis concubitus* in Fournier's interrogations emerges with clarity in a few cases with an uncertain doctrinal profile. In these trials, the absence of predefined questionnaires led to the collection of extremely varied information, among which carnal vices weighed in heavily as evidence. The accusation of Aycret Boret, for example, was characterized by a profile that did not easily point to any particular heresy. A witness appeared spontaneously at Fournier's court offering information about him: the bishop extracted some heretical articles, on which basis he heard a further five people, then the accused himself. Although Aycret continued to deny it, it was said that he had killed a shepherd, and had buried him in unconsecrated ground. He then revealed the facts to the prosecutor of the count of Foix, but he did not consider it necessary to go to confession. Moreover, he stated that not God, but climate is responsible for the germination and ripening of wheat, and he had two men imprisoned for heresy to take revenge for the taxes they imposed on his city: he had spread the word that he would go to the seneschal of Foix, to the bishop of Pamiers, and even to the devil in order to make trouble for them. Various witnesses add another element: Aycret justified a man who kept his servant as a concubine, stating that "to lie with any woman or to know her physically is not a sin." Fournier asked Aycret the usual set of questions, asking him if he had ever seen a *haereticus*: trying to combine the few available clues into a coherent doctrinal framework, the bishop did not overlook the defendant's comments on concubinage, and explored its various links with Manichaean heresy.[24]

23 JF, 1: 302–4.

24 JF, 3: 346.

The accusations elaborated against Jean Joufre are also rather hazy. The first phases of his trial display the signs of a defendant who is reluctant to confess. His deposition does not convince Fournier, who imposed a period of detention on Jean. The *errores* put together by the bishop starting from the subsequent depositions are at a combination of confused elements of Manichean inspiration, personal reflections, and popular beliefs. With his back against the wall because of an interrogation that alternated with periods of detention, Jean abandoned his initial resistance (*nescit, nescit quare, non recordabatur*), and admits that he believed in all the articles which had emerged from the various hearings: that it is good that the heretics do not kill animals; that unbaptized children, Jews, Saracens and heretics are not precluded from salvation; that the murder of heretics is a mortal sin. Moreover, reflecting on his own, Jean concludes (*ipse per se hoc invenit*) that God could not have created *res malas* such as wolves, poisonous snakes, bears, or demons. Other themes do not seem to meet with his approval, such as the mockery of church men, or the ridiculing of ecclesiastical liturgy, even though he had laughed greatly at the derision of the clergy, and listening to religious songs in the square of Ax. Over the course of the last deposition, another accusation finally arises: for about ten years, Jean had been convinced that "to have carnal knowledge of a woman, so long as she was not a relative and it pleased her, was not a sin." He went so far as to state that if a woman had provoked him, he would think it sinful not to lay with her—so long as the husband knew nothing of it. Despite lacking in any doctrinal depth, the admission about relationships with married women, so long as they were consensual and did not involve blood relations, echoes motivations present in other heresy trials, and leads to the consolidation of Jean's accusation.[25]

If the lax conduct and opinions of many of the accused seem to point to an underlying heretical strand, in some cases, they constitute the very object of the accusations. This shift in emphasis characterizes the trial of the subdeacon Arnaud de Verniolles, accused of "crimes of heresy and sodomy:" sin against nature subverts even the spaces that had been left open to extramarital relationships by various speculations.[26]

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25 JF, 2: 106–17.

26 JF, 3: 14–50. On the case of Arnaud de Verniolles see Michael Goodich, *The Unmentionable Vice. Homosexuality in the Later Medieval Period* (Santa Barbara, Calif.: ABC-Clio Press, 1979), 89–92; Francesca Canadé Sautman, "Response: 'Just Like a Woman:' Queer History, Womanizing the Body, and the Boys in Arnaud's Band," in *Queering the Middle Ages*, (ed.) Glenn Burger and Steven Kruger (Minneapolis: University of Minnesota Press, 2001), 168–89; Arno Karlen, "The Homosexual Heresy," *The Chaucer Review* 6 (1971): 44–63.

Fournier attempts on the one hand to record on paper the facts as they occurred. According to six witnesses, Arnaud had posed as a priest in order to listen to the confessions of his fellow students in Pamiers, and had often fallen prey to the sin of sodomy. In his confession, amorous games alternate with seduction strategies, including an extremely detailed description of sexual congress: every detail collected contributes to fuelling the perverse image of the subdeacon. On the other hand, the bishop explores the doctrinal aspect of the events. Arnaud believed homosexual relationships to be a mortal sin, but justified it partly through his natural needs ("hoc natura requirit"), and the existence of much more serious sins: "rape and the deflowering of virgins, adultery and incest."[27] This precise classification of sins, re-elaborated along the false lines of the *libri penitentiales*, was presented by Arnaud to two companions who asked him "if the sin of sodomy which he had committed with them was a sin of heresy." The association of sodomy and heresy was not, in fact, an obvious one. Arnaud considered sodomy to be a *peccatum mortale* as serious, if not less than the one committed by lying with a woman, but he knew well that this act came under the 'reserved cases' that only the bishop, or a priest delegated by him, could absolve during confession.[28] For his part, Fournier avoided making sodomy overlap with heresy: even though the trial deals with *crimina heresis et sodomie*, in the records the term *peccatum* recurs more often than *heresis* or *hereticus*. Most eloquent are the last two questions posed to the accused before the abjuration: "Asked if he committed the crime of sodomy with someone . . .; Asked if he had committed anything else with regards to the crime of heresy . . ."[29] It would appear that the judge does not superimpose, but likens and at the same time distinguishes *crimen sodomie* and *crimen heresis*.

Taking this case to the Pamiers court, Fournier was only taking upon himself the jurisdiction over a 'reserved case.' It should not come as a surprise that the court of penance and inquisition procedures should overlap under the authority of the bishop: the combination is all the more evident with the outcome of the decree *Multorum querela*, which imposed a tight collaboration between

27 ". . . maiora vel graviora peccata essent stuprum vel virginum defloratio, adulterium, et incestus, quam dictum peccatum sodomie," JF, 3: 24.

28 "Bene sciebat quod de dicto peccato sodomie rectores ecclesiarum et capellani comuniter absolvere confitentes non poterant, set solum episcopi vel predicti de licencia episcoporum; sed de fornicatione simplici et adulterio simplices rectores et capellani poterant absolvere confitentes eis sine alia speciali licentia episcoporum," JF, 3: 43.

29 "Interrogatus si cum aliquo alio crimen sodomie commisit. . . .; Interrogatus si aliqua alia commisit in crimine heresis . . .," JF, 3: 50.

bishops and inquisitors. The case of Arnaud seems to push to the limits the tendency to interlace carnal sins with heretical crime: the superimposition of competencies under the authority of the bishop-inquisitor fuelled an inevitable combination of internal and external court cases, woven together in the court of Pamiers like two promulgations of the same justice. Criminal justice and sacramental confession are contiguous at the bishop's court: inevitably, the sphere of the *peccatum* and that of the *crimen*, both present and melded together in heresy, tend to coincide in his court. Subject to Fournier's judgment, libidinal excesses cannot easily be circumscribed to the penitential court, but they merge partly into the area of heresy.

4.2 The Bishop-Administrator and the Anticlerical Protest

On 7 February 1323, Jacques Fournier summoned Raimond de Laburat. His trial was part of a broader inquiry which also involved his wife Raimonde and four more women. According to the charges, Raimond was a believer and supporter of the *boni homines*, whom he met, and to whom he offered bread and wine. But the bishop also happened to learn of certain words that the defendant spoke publicly against the Church and the clergy.[30] With regard to the first count, the investigation was carried out in a rather hasty manner: without too much insistence, the bishop asked the defendant whether he had attended the heretics' preachings, or if he had spoken with any *credentes*. Without excessively compromising himself, Raimond admitted that he had heard of a couple of hereticatations, which in any case he had not attended. Even when he was advised to confess to the inquisitor of Carcassonne, his reply was firm: "he did not feel guilty of heresy."[31] Greater latitude is given, instead, to the second series of charges, in relation to Raimond's irreverent words against the Church and the priests. The defendant's grudge was due to the fact that he had been excommunicated: the doors of the parish church remained shut during mass, precisely to keep out those, like him, who had been excluded from the sacraments because they had not paid tithes or *carnalagium*. Expulsion from the church causes an outraged reaction against the injustice suffered: "We build the churches and all that is necessary . . . and the churches belong to us, and

30 "Suspectus et delatus vehementer erat quod hereticos vidisset et eis de suo dedisset et alia facta et dicta hereticalia fecisset cum eis, multa etiam verba hereticalia et blasfemias continencia contra sanctam romanam Ecclesiam et prelatos ac rectores eiusdem multis audientibus frequenter emovisset," JF, 2: 316.

31 JF, 2: 327.

then we are thrown out of them!"[32] The very legitimacy of excommunication is challenged by Raimond: he doubts that God has ever excommunicated anyone, unlike priests and chaplains. Fournier does not overlook the implications of such comments; these identify the origin of excommunication within the Church (*ex ordinatione Ecclesiae*), not in God (*ex ordinatione Dei*), they tie it to the clergy's scheme to rule high-handedly over the populace. Raimond's indignation is vented through iconoclastic plans:

> I would like to see the church *enderocada* (that is, demolished or destroyed), and masses celebrated on a rock in a market of Sabarthès or in the *campanha* (that is, in the fields), so that I and all Christians can listen to God's ministry, and witness God's sacrifice precisely as God has instituted it. For if masses were celebrated in the fields or upon a rock, it would not be forbidden either to us or to any Christian to hear mass or to witness God's sacrifice.[33]

How radical is Raimond's plan? Is excommunication really seen as a means of power and oppression in the hands of the clergy? Is the bishop stained with a mortal sin by inflicting this punishment? Questioned by Fournier, the defendant explains that his ideas do not affect all churches, but only the one that had expelled him. To be sure, he had wished in front of a sizeable audience that the pope would send all church officials to fight against the Saracens, either overseas or in Granada, leaving behind only a few priests to say mass. The first ones he would have dispatched to the perilous mission were the bishop of Pamiers, the abbot of Foix and the rectors of Quié and Foix certain as he was that they would have been as forceful in battle as they had been in demanding tithes.[34]

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32 "Nos facimus ecclesias, et omnia que sunt necessaria . . . et ecclesie sunt nostre, et postea expellimur de ecclesia," JF, 2: 316.

33 "Ego vellem quod ecclesia esset enderocada (id est corruisset vel destructa esset) et quod misse celebrarentur super quendam lapidem qui est in mercatali de Savarto vel in la campanha (id est in campis) ut sic tam ego quam omnes christiani possent audire ministerium Dei et videre sacrificium Dei ut Deus instituit, quia si hoc esset quod in campis vel in dicto lapide misse celebrarentur, non prohiberemur nos nec aliquis christianus ab audiendis missis vel alias a videndo sacrificia Dei," JF, 2: 320. About the linkage between contempt of the excommunication and heresy, see Othmar Hageneder, "Il concetto di eresia nei giuristi del XII e XIII secolo," in *Il sole e la luna. Papato, impero e regni nella teoria e nella prassi dei secoli XII e XIII*, (ed.) Maria Pia Alberzoni (Milan: Vita e pensiero, 2000), 98–109.

34 "Ipse vellet quod per ordinationem pape omnes clerici mitterentur ultra mare vel apud Granatam ad vindicandum ibi mortem Christi, et quod solum remanerent in ecclesiis

Nonetheless, the grudge against local authorities struggled to gain momentum in a charge that impacted on the Church as such: the plans to relocate overseas involved in the first instance Jacques Fournier and his entourage. It was the bishop who prompted more extreme statements, by asking Raimond if, through excommunication, he intended challenging the Church's very power of enforcement ("potestatem cohercendi malignos.") Fournier requests insistently these clarifications, calling upon *sancta obedientia*, and threatening Raimond with the same proceedings used against heretics.[35]

The harshness of such threats might surprise. Indeed, Raimond de Laburat does not seem seriously compromised with heresy. Rather, Fournier can aver during his hearings a bitter contrast against the Church and its ministers, generated by the personal experience of excommunication and by the rebellion against the system of tithes and of *carnalagium*. Forcing this impost, a tithe on the slaughtering of animals, faced many difficulties in the Sabarthès region. As early as the beginning of the fourteenth century a controversy had arisen against the payment of tithes on various products: whilst a longstanding custom had allowed for a partial payment of the impost, bishop Bernard Saisset had started demanding payment in full. This was followed by heated clashes between the interested parties, to which Jacques Fournier put an end, setting, however, even heavier payments. His record of trials bears evidence of widespread unease in the diocese of Pamiers.[36]

The invectives against avid and corrupt clergy, often based on the protest against tithes, were common expressions of an attitude that was more 'anticlerical' than broadly heterodox.[37] Raimond's hot-tempered rebellion rests

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clerici qui possent celebrare divina et ministrare sacramenta populis, et quod episcopus Appamiarum iret illuc cum decem equis armatis et abbas Fuxi cum quinque et rector de Querio et de Fuxo, et vellet quod ita essent animati ad pugnandum Saracenos et ad aquirendum terram eorum et ad vindicandum mortem Christi sicut animati ad petendum decimas et primicias carnalagiorum, quia si predicti clerici illuc ivissent, ad minus dimitterent nos hic in pace, et non peterent a nobis illud quod petunt," JF, 2: 323.

35 JF, 2: 324.

36 Jean-Marie Vidal, *Histoire des évêques de Pamiers*, vol. 2: *Quatorzième et quinzième siècles* (*1312–1467*) (Castillon: Bureaux du Bulletin historique du diocèse de Pamiers, 1932), 40–6. See also Jean-Louis Biget, "La restitution des dîmes par les laïcs dans le diocèse d'Albi à la fin du XIII^e siècle," in *Les évêques, les clercs et le roi* (*1250–1300*), Cahiers de Fanjeaux 7 (Toulouse: Privat, 1972), 211–83.

37 About the meaning of "anticlerical" in the thirteenth and fourteenth century, see Jacques Chiffoleau, "Vie et mort de l'hérésie en Provence et dans la vallée du Rhône du début du XIII^e siècle au début du XIV^e siècle," in *Effacement du Catharisme?* (*XIII^e–XIV^e siècle*), Cahiers de Fanjeaux 20 (Toulouse: Privat, 1985), 73–99; and Laurent Albaret,

on his discontent with the diocesan administration, and not on doctrinal and ecclesiological considerations of any sort. Bishop Fournier is the authority responsible for the running of the diocese, and as such, is subject to criticisms by the citizens. In his tribunal, omitted payment of tributes is invariably placed within the same legal framework used by the judge of faith. The suspicion that Raimond had actually met the heretics helps to bind together the different aspects of the inquiry. This results in an overlapping of charges and procedures whereby Fournier is led to test Raimond's convictions with questions that resulted in his dispute being credited with excessive theoretical density.

The same discrepancy between Raimond's moderate protest and Fournier's investigation is present again with regard to the manufacture of an Easter candle. Raimond did not take kindly to the order of the bishop to the parishioners of Quié to prepare a candle with 15 or 20 pounds of wax. Indeed, he thought it would be enough to make it "as best we can," getting by with 4 or 5 pounds. Fournier tried to establish in the courtroom, by direct examination, whether Raimond refused to obey the bishop's authority, or believed that the bishop "cannot give orders."[38] But Raimond's objection does not imply that sort of awareness: it seems rooted in the reality of diocesan policies, without pretending to delegitimize the hierarchy of the Church.

The criticism of excommunication and *carnalagium* is also at the core of an investigation on Pierre den Hugol. During the first year in which the population of Sabarthès was excommunicated on account of their refusal to pay tithes and *carnalagium*, a discussion was held during which Pierre gave an impassioned speech to a large audience:

> Ever since the land of Sabarthès was in the hands of Church people, it has not received any profit, because the clergy, with their greed, have come up with excommunication. But the Lord himself never excommunicated anyone, nor did He order an excommunication, nor did He create it, whereas the priests have made it up, in order to hold sway over the people.[39]

"L'anticléricalisme dans les registres de l'Inquisition de Toulouse et de Carcassonne au XIII^e^ et au XIV^e^ siècle," *L'anticléricalisme dans la France méridionale au XIII^e^ et XIV^e^ siècle*, Cahiers de Fanjeaux 38 (Toulouse: Privat, 2003), 447–70.

38 JF, 2: 324–5.

39 "Ex quo terra Savartesii venerat in potestate clericorum, non fecerat profectum suum, quia, ut dicit, clerici per sobransariam suam invenerunt excommunicationem, cum Dominus ore suo nunquam excommunicaverit aliquem nec mandavit fieri excommunicationem

We are once again faced with a staunch dissent against excommunication, laid out in response to the punishment suffered for refusing to pay imposts to the Church. The arguments against excommunication are supported by the fact that it was not instituted by God, but by clergymen, for the purpose of gaining absolute control over the faithful. But Pierre den Hugol seems to move to an even more radical stance, compared with the preceding case: "I wish there were no clerics, either here or over the sea, because if there were no churchmen we would be well: in fact, they only bring us daily mischief."[40]

The plan to relocate overseas the Sabarthesian clerics yields here to the desire to be rid of all clerics. Unsurprisingly, Jacques Fournier is the first target of the polemical drive:

> There is no greater devil in the world than the lord bishop, because by now he has killed the entire region, either for heresy or for sortilege. And through these tithes he demands and pretends, and for the evils which he investigates daily in this region. And if, regrettably, he should live long, he will destroy all the men in this region.[41]

Better to run into a pack of wolves and bears than to fall into the web "of this devil," Pierre adds, for if one might hope to escape the former, there is no way of avoiding the latter. But the severity of the speech was quickly diluted by the laughter of the court.[42]

The protest against tithes recurs on several occasions in the record, attesting to a widespread discontent with the bishop's measures. The bailiff of Ornolac, Guillaume Autast, charged as *credens, fautor et receptator* of heretics, did not hide his personal resentment against Jacques Fournier. When the Waldensian Raimond de la Coste died on the pyre, Guillaume was outraged for the "great injustice:" Raimond was considered a *bonus clericus* and a *bonus christianus*; he believed in God, in the Virgin Mary, the saints, and the articles of faith. According to the bailiff, it would have been better if the bishop of

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nec instituit eam; set clerici dictam excommunicationem invenerant, ad hoc ut possent dominari populos," JF, 3: 434.

40 "Ego vellem quod nullus clericus esset citra mare nec ultra mare, quia si dicti clerici non essent, nos bene staremus, cum dicti clerici non procurent nobis cothidie nisi malum," ibid.

41 "Non erat maior dyabolus in mundo quam erat dictus dominus episcopus, quia, ut dicebat, iam totam terram interfecit vel propter heresim vel propter sortilegia, et propter istas decimas petit et perquirit, et propter mala que de terra ista cothidie inquirit. Et si male diu vivat, omnes homines terre istius destruet," ibid.

42 JF, 3: 434–5.

Pamiers had been burnt in his place, on account of the *carnalagium* which he demanded.[43] As he is personally implicated in Guillaume's invectives, Fournier proceeds with intensive questioning: is the levying of tithes fair or unfair? Are the inhabitants of the Sabarthès region in their rights to withhold payments? The bailiff's response is rather subtle: even though the bishop can legitimately demand tithes (*secundum iura*), the Sabarthesians are authorized by custom to refuse payment (*propter consuetudinem*).[44] Yet again in this case, the protest against a specific measure arrives at challenging the bishop's prerogative to decide.

Similar issues feature in the trial against the bailiff of Montaillou, Bernard Clergue. Inside the inquisitorial jail where he was held, he tried to persuade the other detainees to retract certain statements that were thorny for his own case. He resorted to psychological pressures, threats and promises of various types. Bernard's harassment appeals to the denigration of Jacques Fournier: the devil come to earth, capable of making heretics out of the best Christians; he sent to jail people who had never seen heretics, and confiscated their property, because he was angry with the men of Sabarthès who contested his imposition of *carnalagium*, and because he wanted to take over the prisons.[45] Therefore, Bernard establishes a very precise link between the harshness of the judge and the harshness of the bishop-administrator, between the inquisitorial confiscations and the taxes imposed on the region. Quite similar arguments are also set out by Arnaud Savinhan, which shows how the enclosure of the bishop's jail facilitated the circulation of ideas. Arnaud too believed that in Pamiers people ended up in jail even without having seen heretics, on account of Fournier's hatred of the Sabarthès region, and for his desire to take over the inquisitorial prisons.[46]

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43 JF, 1: 208–9.

44 "Licet dominus episcopus exigat decimas secundum iura, tamen illi de Savartesio iuste propter consuetudinem eorum etiam contradicunt decimas solvere," JF, 1: 209.

45 "Si iste episcopus Appamiarum diu viveret, totum mortuum esset, quia dyabolus erat, qui venerat in terra," JF, 2: 280; "Totum est perditum cum isto episcopo, et tantum valet homini cum eo quod sit hereticum sicut et bonus christianus, quia tantum interrogat homines quod facit de fidelibus christianis hereticos," JF, 2: 283; "Ramundus Valsiera dixit . . . quod multum mirabatur, quia multi qui sunt in muro de Alamannis erant inmurati et perdiderant bona sua, cum hereticos non vidissent, quod tamen non solebat fieri in Carcassona. Et tunc dictus Bernardus dicebat quod magnam maliciam super hoc episcopum fecerat, et predicta fecerat comotus contra populum Savartesii propter carnalagia que ei denegantur per dictum populum; fecerat etiam hoc ut haberet possessionem ed habendis muris hereticalibus," JF, 2: 284.

46 JF, 2: 434.

While the imposition of *carnalagium* fostered the dissent against Fournier, other authorities were called upon to oppose the power of the bishop. Pierre Guillaume, a tailor in Junac, contested Fournier's system of taxation, and pleaded for the protection of the secular authorities: in his opinion, if Roger-Bernard, count of Foix, had stepped in aid of the people of the Sabarthès region, the clergymen would not have prevailed, and they would not have demanded what they did demand.[47] But the speech given by Pierre in his tailor shop impacts also on the corrupt and sinful lifestyle of the young priests ordained by Fournier, who turn out to be great patrons of prostitutes.[48] The connection is set: Pierre relates the sordidness of the bishop's policies with the luxury of the priests, who lose inevitably their role as guides of the faithful. Consequently, doubts are also raised—later denied by Pierre—on the need for the sacraments towards salvation: in the absence of worthy priests, the believers can save themselves simply by having faith in God, praising Him, and giving alms.[49] On the contrary, the clergymen may even compromise salvation: Pierre states that "ten thousand souls in the Sabarthès region would not be lost if the clerics were not there."[50] But his consideration remains focused on the case of the Sabarthès region. It is the bishop, rather, who suspects a spillover into doctrinal error, since he asks Pierre if he believes that the sacraments have not been instituted by God, but by the clergy, so that they could live off them.[51]

Setting aside their dogmatic relevance, the invectives against the Church and the clergy were examined in detail by Fournier. Whether they were tied to

47 "Dictus dominus episcopus male faciebat quando petebat ab hominibus Savartesii decimas et primicias carnalagiorum et aliarum rerum de quibus de iure decime et primicie solvi debent, cum predecessores hominum Savartesii decimas et primicias non solvissent, et credebat quod dictus dominus episcopus peccaret dictas decimas et primicias petendo, quia hoc facendo faciebat hominibus Savartesii nocumentum. (. . .) Dixit tamen quod si dominus comes iuvaret gentes Savartesii contra clericos, bene custodirent dicte gentes clericos, ne peterent ab eis illud quod petebant; intendens hoc dicere quod si dictus comes iuvaret eos, clerici non haberent victoriam super eos sicut nunc habebant," JF, 3: 339–40.

48 "Quia dictus dominus episcopus promovebat ad sacerdotium iuvenes homines qui postea erant meretricatores vel bagasserii et faciebant multa que non conveniebant fieri per sacerdotes . . .," JF, 3: 334.

49 ". . . solummodo quod haberent fidem in Deo et ipsum laudarent, et elemosinas facerent," JF, 3: 342–4.

50 "X milia animarum que sunt perdite in terra Savartesii non essent perdite si clerici non essent," JF, 3: 343.

51 "Interrogatus si illo tempore credidit quod dicta sacramenta non essent instituta per Deum ad salvationem animarum, set solummodo essent instituta per clericos ut possent propter ipsa vivere," JF, 3: 344.

the rancor against the tithes or to the moral behavior of the churchmen, they often appeared as a sign of heterodoxy. A telling case in point is offered by the posthumous trial against Bertrand de Taïx, from Pamiers.[52] The eight witnesses heard by Fournier leave no room for doubt as to the deep involvement of the deceased person with the Manichean heresy. He used to complain that he had married the wrong woman, a Catholic who forced him to hide even under their own roof. Furthermore, Bertrand uttered publicly some desecrating words: according to the witnesses, he did not miss any chance to deride and libel the Roman clergy in whatsoever way he could.[53]

> The priests become shepherds /And they are swindlers / And they seem like great saints / To those who see them dress up / And I recall / That one day Master Alengris / Came to a meadow / Dressed with sheepskin / Then he ate and swallowed / As long as he pleased.[54]

As is evident from this limerick in vernacular, repeated by Bertrand, various motifs of anticlerical satire often find their way into the affidavits, and are recorded by Fournier's notaries. Jean Joufre recounts how Arnaud Laufre inclined him towards heresy, and reports some of his words that had aroused great laughs. In front of many people Arnaud said that when a priest sprinkles holy water, his words '*mehe, mehe*' resemble the call of a bleating sheep. Then he mocked the chant of priests and chaplains during mass ("they say *ho, ho, ho* and squawk at the top of their lungs"), believing that it was of no use.[55] But Arnaud's teachings, relayed by Jean Joufre, bear upon other issues as well, such as the killing of wild beasts, wrongdoers, and heretics; the possibility of salvation for heretics and infidels, the legality of usury, of perjury, and extramarital unions based on lust. The *errores* committed by Jean on account of such teachings are listed at the end of the report, but the mockery of the clergy does not

52 JF, 3: 312–30.

53 "Audivit dictum dominum Bertrandum publice et coram multis vituperantem totum clerum subiectum Ecclesie romane, dicendo quod erant male gentes et mali homines, et quicquid mali poterat dicere de clericis, libenter dicebat . . .," JF, 3: 319.

54 "Clerges se fan pastors / E son galiadors, / E par de gran sanctor / Qui les vetz revestir, / E pres me asouevir / Que 'n Alengris un dia / Ad un partec venia, / Pel de moto vestic, / Pueys maniet e trasic / Tot quan li abelic," JF, 3: 329, n. 507.

55 "Quando spargit aquam benedictam dicit: 'mehe, mehe', et quod ita dicebat sicut ovis quando belat;" "Dixit quod clerici dicunt: 'Ho, ho, ho', et clamant quantum possunt, et addebat quod ipse nesciebat ad quid dictus cantus clericorum et capellanorum valebat," JF, 2: 109–10.

appear in the list: in fact, Jean had underscored on several occasions that those words had not been to his liking, even though they had made him laugh too. It is difficult to understand whether this retraction had actually persuaded the bishop. Nonetheless, Arnaud's anticlerical mockery had been labeled as *verba hereticalia*: the boundary between anticlerical satire and heresy in many cases is uncertain and elusive.[56]

These considerations are also confirmed by Pierre Sabatier's transcripts. The investigation is centered around two suspicious statements which were relayed to Jacques Fournier. In the first instance, Pierre once stated that "all that priests and clerics sang and spoke at church were lies and deceit," aimed at securing oblations. Fournier tries to understand more deeply the meaning of those words, which seemed to deprive the sacraments of any meaning, but his investigation has precious little success: the defendant denies that he ever had any doubts about the articles of faith and the sacraments, and he purports to be a good Christian, who has completed pilgrimages, and who pays his tributes. Moreover, he was drunk when he made those statements.[57] But another impious sentence was reported to Fournier: with reference to the custom of placing a candle into the mouth of the dying, Pierre had stated that it might as well be placed into their anus.[58] Even though the charges did not seem to suggest any link with the Manichean heresy, the bishop prepares the usual interrogation reserved for *credentes* and *fautores* of heretics: Pierre is asked if he has ever taken part in meetings with the heretics, if he belongs to a family linked to heresy, if he has carried out the *adoratio*, if he attended a heretication, or if he sent gifts to the *boni homines*.[59] Wherever gray areas surface in the religious identity of the defendants, the judge tries to define them, based on the categories at his disposal. The breach of a system based on consent and uniformity is easily interpreted as a sign of underlying heretical unrest: and so it happens that episodes of anticlerical satire or revolt against a vexing system of taxation may raise suspicions which are sifted through the usual inquisitorial questionnaire; this is tantamount to a *reductio ad unum*, which equates even questions of discipline under the leveling guise of heresy.

56 JF, 2: 110, 115–6.

57 JF, 1: 145–6.

58 "Tantum valeret morienti qui poneret in estremo exitu candelam benedictam in ano sicut in ore," JF, 1: 145.

59 JF, 1: 147.

4.3 From Observation to Religious Doubt

Doctrinal deviance takes on diversified shapes, at times renewing itself driven by a personal reflection, on other instances relying on pre-existing formulae, and then again drawing from the substratum of a vanishing 'folk culture.' Outside a coherent religious system, some kernels of critical reflection took shape, often attributed by those who describe them to their own personal initiative. Whether they stemmed from a naïve doubt or from factual experiences, many considerations can hardly fit within the framework of the inquisitorial questionnaire; nonetheless, the theologically versed judge will grasp their heterodox impact, and will attempt to assign a label to it.

One of the first trials preserved in Jacques Fournier's record deals with the peculiar episode which led a defendant to deny the eucharistic miracle. In 1318 the bishop was informed that Aude Fauré was publicly slandered because she no longer believed in the presence of Christ within the consecrated host.[60] At first Aude links the origin of her doubts to an event that had taken place three years earlier: she had decided to receive Communion on Easter Sunday, but as she approached the sacrament she was perturbed and frightened, because she had not confessed a serious sin that she had committed before she was married.[61] She alleged that the remorse for receiving Communion without having confessed that guilt had made the very sight of the holy host unbearable to her:

> By the Virgin Mary, sir, how is this possible? When I'm in church and they raise the body of Christ, I can neither pray to it nor look at it, and when I think about looking at it, a kind of abnegament [obstacle] comes before my eyes.[62]

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60 JF, 2: 82–105. On the trial of Aude Fauré see Gabriel De Llobet, "Variété des croyances populaires au Comté de Foix au début du XIV^{e} siècle d'après les enquêtes de J. Fournier," in *La religion populaire en Languedoc du XIII^{e} siècle à la moitié du XIV^{e} siècle*, Cahiers de Fanjeaux 11 (Toulouse: Privat, 1976), 109–26; Jean-Pierre Albert, "Croire et ne pas croire. Les chemins de l'hétérodoxie dans le Registre d'Inquisition de Jacques Fournier," *Heresis* 39 (2003): 91–106; Albert, "Hérétiques, déviants, bricoleurs. Peut-on être un bon croyant?" *L'homme* 173 (2005): 75–95.

61 "In sequenti anno in dicto festo Pasche recepit, ut dixit, corpus Christi, et cum quoddam grave peccatum quod contraxerat antequam recepisset dictum maritum suum omisisset confiteri, stabat, ut dixit, tota perterrita et turbata, quia receperat corpus Christi sine confessione dicti peccati," JF, 2: 83.

62 " 'Sancta Maria, domine, qualiter potest hoc esse? Nam quando sum in ecclesia et elevatur corpus Christi, non possum orare ipsum nec possum ipsum respicere, set quando puto respicere ipsum, supervenit quoddam abnegament ante occulos," JF, 2: 85.

Later on, the defendant rectifies her statements. According to the new version, her doubt did not stem from an unconfessed sin, but from another thought: Aude had heard of a woman who had given birth in the street, caught by the onset of labor in the *castrum* of Merviel, and so—as she went to church—Aude started thinking of the *turpitudo* that women expel as they give birth, the placenta. The rough crudity of the episode upset her to such an extent that during Mass she could not help tying it to the Mother-and-Son Christian archetype: seeing the body of the Lord raised on the altar, she was afraid that it was infected by the same horrible impurity, and was unable to take Communion.[63] Aude's experience does not easily match Fournier's interpretive classifications. But the denial of the eucharistic miracle no doubt called to mind the preachings of the heretics and their criticism of the sacrament of the altar.

Determined to delve deeper, Fournier summoned no less than ten witnesses, and asked some of them whether they knew that Aude was a heretic, or that she belonged to a family linked to heresy, or was familiar with heretical suspects.[64] But no witness would seem to confirm an actual contact of Aude with the *boni homines*, leaving the judge uncertain on the nature of the error and on the penalty to be set. Perhaps for this reason a council of twenty-eight men was called upon, in order to wind up the trial with an appropriate sentence.[65]

As it bears only marginally upon one of the topics of the dualist doctrine, Aude's doubt has an entirely different origin: a localized and upsetting event causes a breach in the religious sensitivity of a woman, prompting a reflection. In many other cases it happens that an actual experience generates some doubts in the conscience of the faithful, leading them to arrive at loosely heterodox convictions, in a more or less conscious manner. Yet, the recurrence of some issues in several trials suggests a convergence of greater scope between individual experiences and a substratum of beliefs shared more widely within the same region: these are, perhaps, "folk mentalities, relatively non-Christian, or pre-Christian," in the words of Le Roy Ladurie.[66] It is important to observe here, above all, the ways in which such an elusive heritage of beliefs gains

63 "Contigit enim sibi, ut dixit, quod cum quadam die iret ad ecclesiam Sancte Crucis ad missam audiendam, audivit a quibusdam mulieribus . . . quod nocte precedenti quedam mulier quandam filiam pepererat in via intus castrum de Muro Veteri, ita quod non potuerat pervenire ad hospicium, quo audito cogitavit turpitudinem quam emittunt mulieres pariendo, et cum videret elevari in altari corpus Domini, habuit cogitationem ex illa turpitudine quod esset infectum corpus Domini, et quod ex hoc incidit in dictum errorem credentie videlicet quod non esset ibi corpus Domini Iesu Christi," JF, 2: 94.

64 JF, 2: 83–6.

65 JF, 2: 101–2.

66 ". . . des mentalités folkloriques, relativement 'achrétiennes,' " Le Roy Ladurie, *Montaillou, village occitan*, 590.

access into the tribunal of Pamiers, and adjusts itself to the classificatory needs of the judge.

On 2 March 1322, Bernard de Ortel confessed spontaneously to the bishop that about a fortnight earlier he had stated in the town square at Ravat that, after death, no one is brought back to life with the same body they had in their lifetime.[67] He then admitted that he had reached this conclusion following what he had observed with his own eyes: when some graves were dug up in the cemetery of Ravat, the sight of decomposed bodies—by then turned to dirt—convinced him that after death the body would not return to new life. Given that the Church preached the opposite, he surmised that God would create new bodies with which the souls would face judgment. In the end, however, even the new bodies would dissolve, and the souls alone would go to paradise or to hell.[68]

The defendant's doubts on the resurrection of the bodies are not based on the dualist theory of creation or transmigration of the souls, but Fournier establishes the link, as he attempts to confirm it during questioning:

> Questioned on what he believed or had believed with respect to other articles that seem to relate to the Manichaean sect . . . Questioned if he was instructed by anyone on the errors in which he has confessed to have believed for a long time . . . Questioned whether anyone urged him to see the heretics, or praised their sect, life, or faith, and whether he saw the heretics, or knew where they were, or sent them anything, or gave anything to them . . .[69]

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67 "Et quomodo posset fieri? Ego non credo quod cum ossibus que modo habemus, resurgamus in alio seculo," JF, 2: 258.

68 "Ex eo quod vidit quando fosse aperiebantur in cimiterio ecclesie de Ravato ut aliqui mortui sepelirentur in eis, quod corpora illorum hominum vel mulierum que in dictis fossis ante sepulta fuerant erant dissoluta et corupta ac in terram conversa, ossibus exceptis, credidit quod corpora humana que homines habuerunt in vita presenti et postea corumpebantur, nunquam resurgerent nec de morte ad vitam redirent, et quod revivescere non possent. Sed quia audiverat predicare in ecclesia quod homines in die iudicio in corpore et anima iudicarentur et ad iudicium Christi venirent, credidit quod Deus alia corpora humana tunc faceret ab istis corporibus que in vita presenti habent, in quibus corporibus humanis ponerentur anime hominum, et in talibus corporibus anime humane ad iudicium Christi venirent, remanentibus primis corporibus que in vita presenti habuerunt in monumento coruptis. Credebat etiam . . . quod peracto iudicio dicta corpora nova . . . resolverentur et corumperentur, et sole anime vel spiritus humani secundum quod meruissent, vel irent ad Deum . . . vel ad infernum," JF, 2: 264–5.

69 "Interrogatus de aliis articulis qui videntur tangere sectam manicheorum quid credebat de eis vel crediderat . . . Interrogatus si fuit instructus vel doctus dictos errores quos supra

Bernard was able to respond on every point in a properly Catholic manner.[70] How does one explain his doubts, then? The explanations of the self-confessed defendant form the backdrop, whilst the investigation aims at ascertaining the conformity of the confessed beliefs with the known heresies.

The case of Bernard de Ortel is not isolated; it is tied to similar beliefs, variously documented in Fournier's record. Based on direct observation of the effects of decomposition, the doubt on the resurrection of the bodies rests on ideas which are placed at the same distance from Catholic doctrine on the one hand, and, on the other hand, from the doctrine of the *boni homines*. For instance, Guillaume Fort admits to having met with the heretics, having listened to their preachings, and to having taken part in a heretication. Questioned on single articles of heresy, Guillaume declares that he does not believe in the resurrection of the body, but he explains that he has arrived at this conviction *per se cogitando*, i.e., pursuant to his own personal reflection: not through knowledge of the dualist doctrine, but merely acknowledging that the fact that bodies decompose had persuaded him that they cannot come back to life. The corollary to these observations is that the souls alone will live on after death: the good one will be rewarded with paradise, while the others will be thrust by demons down through cliffs and precipices. Guillaume himself underscores the circumstance that similar ideas were common in the region, where, as rumor had it, there was a woman who met and escorted the souls of the dead—with flesh and bones, this time—and who saw the demons carrying them to impervious places, causing them to plunge.[71] The discrepancy between Guillaume's ideas and the Manichaean doctrine does not seem to escape altogether Fournier's attention: we know that he instructed the defendant on Catholic doctrine, deeming his errors "contrary to the Catholic faith," but, by the same token, not traceable to the Manichaean heresy.

A personal observation of natural events also prompts reflections on the soul and its attributes. Guillelmette Benet maintained that one should not worry

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confessus est se credidisse per aliquem . . . Interrogatus si aliquis induxit eum quod videret hereticos vel comendavit ei sectam vel vitam et fidem eorum, et si ipse vidit hereticos vel scivit ubi erant, aut misit vel dedit aliquid dictis hereticis . . .," JF, 2: 265.

70 "Respondit ad singulos et omnes catholice et ut fidelis christianus," ibid.

71 "Communiter dicetur in terris de Alione et de Saltu quod Arnalda Riba de Bellicadro diocesis Electensis vadit cum animis hominum et mulierum mortuorum, et dicitur quod vidit animas hominum malorum duci per demones per rupes et loca aspera et quod demones ipsas precipitant per dictas ruppes," JF, 1: 447–9. See also the inquest regarding Arnaud Gélis, JF, 1: 128–43.

too much about salvation, because the human soul is nothing but blood.[72] Her ideas stem from the lack of any proof of existence of the soul:

> The soul, the soul! I don't see anything coming out of men and women when they die. For if I saw the soul or something issuing forth, I would know that it is the soul. But now I don't see anything coming out, which is why I don't know what this soul might be.[73]

But looking at the dying, Guillelmette saw only a last breath come out, consequently doubting that there was a separate entity to the body animating it: if the soul is absent, and the body decomposes, how can resurrection occur?

Raimond Sicre expressed similar doubts. A conversation on the weather and the harvest lent him an opportunity to expound publicly his ideas on the soul. Raimond held that nourishment was all that the body needs in order to live, within a radically materialistic perspective: "It is quite necessary that wheat turn out well, because when there is no bread in the belly, there is no other soul." Indeed, according to Raimond's explanation, without eating for at least four days both body and soul are weakened.[74] Fournier promptly identifies Raimond's errors, and returns insistently to them during the ensuing sessions. The defendant states at first that, in the absence of nourishment, the soul dies together with the body. Questioned on what he meant, he begins to waiver: he himself does not know what he thought at the time of those conversations, whether he maintained that the soul were all one with the body, or if it decomposed in the grave. Questioning on the death of the soul becomes pressing, and Raimond starts to contradict himself; he states initially that the soul will go either to God or into *mala loca*, then that without nourishment both body and soul will die, and will be buried together: "and so he said one thing at one stage and a different thing at another, and he did not want to say firmly what was and had been his belief on the death of the human soul or on its annihilation."[75]

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72 "Arma, arma, orca, orca, anima nostra non est aliud quam sanguis," JF, 1: 260; "Orc, orc, et quinha anima? La anima non es mas la sanc," 261.

73 "Arma, arma, yeu non veg reissyr dels homes ni de las femmes can se moro, que si yeu ne vis ysshir s'alma o cal que altra causa, yeu sabera que aquelo fos anima, mays ara non veg reisshir et per aquo non se que ses aquela anima," JF, 1: 264.

74 "Bene esset necessarium nobis quod blada bene ordinarentur et venirent, quia, quando panis non est in ventre, nec alia anima est," JF, 2: 357; "Si homo staret per octo dies quod non comederet, immo etiam IIIIor dies staret invitus quod non comederet, corpus et anima eius debilitarentur quantumcumque homo fortis esset," JF, 2: 362.

75 JF, 2: 370–1.

The clarity expected by the inquisitor on such an important question exceeds by far Raimond's awareness. There are many requests to confess clearly, but after so many pressures the desired elucidation turns out to be disappointing. Raimond confines himself to replying in the affirmative to the umpteenth question of the inquisitor "whether he believed in his heart that when the body dies, the soul dies as well." It is much more evident to the inquisitor than to the defendant that the question is not of secondary importance. Yet, Raimond's position seems hardly classifiable, except through the inquisitorial filter: his improvised preaching features a certain amount of unawareness, and it seems to recall his concern for the harvest, rather than a materialistic doctrine of the soul.[76]

Far from shaping up as unconnected worlds, orthodoxy and heresy reveal intersecting areas and contaminations which are quite visible, even in the case of the most structured heretical movements. Highlighted during trials, the differences between 'Catholics' and 'heretics' were often less clear and distinct in the eyes of the faithful. Many Manicheans do not deem it necessary to give up the Catholic sacraments, they continue to attend mass, they pray to the Madonna, and they go to confession.[77] At times they even display a crass over-indulgence of sacraments, as was the case with Brune Porcel, daughter of the "good man" Prades Tavernier, who took part in the *consolamentum* of a dying woman, and then also called to her bedside a priest, thus nullifying the Manichean sacrament.[78] It is the inquisitor's task to assess and distinguish signals that are often contradictory and confused, by classifying the contents and extracting "heretical articles." In the course of this interpretative process a myriad of details support his judgment criss-crossing in a tangle of leads.

Raimond de l'Aire's trial encompasses many of the issues analyzed in this chapter.[79] He was summoned by Fournier on account of some reports, but he was arrested and held in jail for a while, because he had not showed up. In the end he released a statement which echoed what the witnesses had declared. Raimond had stated publicly that the soul is naught after the body has lost its blood. Again in this case, the theory of the correspondence between the soul and the blood stems from the simple realization that "the animals which have nothing to eat lose blood and die," and that Raimond "did not see anything

76 JF, 2: 372.

77 See Le Roy Ladurie, *Montaillou, village occitan*, 501–22; Grado Giovanni Merlo, *Valdesi e valdismi medievali* 1: *Itinerari e proposte di ricerca* (Torino: Claudiana, 1984), 132.

78 JF, 1: 382–94.

79 JF, 2: 118–34.

issuing from the mouth of a man when he dies."[80] An overwhelming materialism becomes Raimond's universal grid for interpretation: God and the Madonna exist only in the visible world; there is neither hell nor heaven after death, and even Christ has been conceived *foten e mardan*, through sexual intercourse.[81] Raimond's ideas take on criticism of the Catholic priests and the alms for the dead as well: since the soul is extinguished with death, eliciting such alms amounts to downright embezzlement, and the donations only serve the purpose of fostering the good reputation of the donors.[82] The theory of death of the soul is thus placed at the intersection of doctrinal reflection and controversy against the greed of the clergy, joining materialistic intuition with anticlerical polemic.

Further elements, then, show Raimond's heterodox positions on such issues as incest, adultery, and homicide. His conviction that there will not be another life after death drives him therefore to set out a new, especially permissive morality: given that there will be no hell, or paradise, or punishment, or reward, Raimond concludes "that he would not commit sin no matter what he did, just as a beast does not sin." Along these lines, not even incest with one's own mother, daughter, or sister, is a *peccatum*, but it is simply a *turpe factum*. According to the same logic, not even homicide is a sin.[83]

Raimond's incrimination, therefore, falls in line with the various issues hereto discussed. Disconnected from the Manichaean heresy, his religious

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80 "Respondit quod quia pecora non habebant quid comederent et sanguis defficiebat in eis, propter hoc moriebantur, et eodem modo homines moriebantur quando sanguinem amiserant; et quod anima humana, postquam corpus sanguinem amiserat, non poterat in corpore remanere, et postquam sanguis exiverat a corpore hominis, anima non erat aliquid," JF, 2: 118; "credens quod anima post mortem hominis nichil esset, quia non videbat aliquam rem exire de ore hominis quando moritur," 130.

81 "Deus et virgo Maria nichil aliud essent nisi iste visibilis mundus," JF, 2: 129; "Ex quo etiam redidit quod anima humana post mortem corporis non haberet bonum nec malum, et quod non esset infernum in alio seculo nec paradisum pro animabus humanis premiandis vel puniendis," 130; see also pp. 118 and 120.

82 "Sacerdotes dant intelligere hominibus 'las biratas,' quia dicunt nobis quod faciamus bonum et demus elemosinas pro animabus nostris, set hoc totum est 'trufa,' quia quando homo mortuus est, anima etiam eius mortua est," JF, 2: 121.

83 "Credidit quod non peccaret quicquid fecisset sicut nec bestia peccat, et quod etiam de nullo bono opere moriretur, ita quod, ut dixit, non credebat quod aliquid homo peccaret, etiam si carnaliter cognosceret matrem, filiam vel sororem suam, vel etiam cognatam germanam, licet turpe factum hoc esset, set de cognata secunda et de aliis mulieribus, si homo cognosceret eas carnaliter, non credebat quod esset peccatum vel turpe factum, adherens huic credentie propter commune proverbium terre Savartesii: 'A cosina seconda tot leli afonia!' non credebat omicidium vel aliud forefactum esse peccatum," JF, 2: 130.

doubts are based on empirical observation, so to speak, voicing beliefs more widely spread in the region of Sabarthès. Unconventional considerations on the legality of incest and invectives against the clergy support the charge of heresy raised against him. In this scenario, anything may lead to heretical connection, being accommodated in Fournier's transcripts. One witness declares that one day, as Raimond was tilling a field, his animals started moving haphazardly, until the yoke was shifted under their necks: it was sufficient for Raimond to invoke the devil, and the yoke was readily repositioned atop the animals' necks. The fact that this was third-hand information is of little consequence: the charge against the defendant is already sufficiently solid, and every element that may support it is gathered with interest by the bishop of Pamiers.[84]

84 "... dictus Bor arabat in quodam campo de Rodiera concubine sue ... cum duobus vitulis indomitis; qui vituli cum se inordinate moverent, iugum quod erat super collum eorum ductum fuit subtus collum eorum, quod videns dictus Ramundus dixit: 'Diabole, reduce iugum in locum suum,' quo dicto incontinenti reversum fuit iugum super colla dictorum vitulorum," JF, 2: 126.

PART 2

The Gospel and the Heretics

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CHAPTER 5

Heresy in Fournier's Theological and Exegetical Writings

5.1 Jacques Fournier and the Theological Consultations of John XXII

If the transfer of the Holy See to the shores of the Rhone permitted the curia to resume the conditions of relative serenity necessary for launching a period of lively cultural, artistic and intellectual experimentation, the first decades of the Avignonese Papacy were also characterized by a markedly increasing ideological and disciplinary rigidity. During the pontificate of John XXII especially, the Holy See moved towards a growing intolerance of doctrinal interpretations and religious experiences that diverged from the Roman-Catholic model while carrying forward a concomitant theological and juridical development of the notion of heresy.[1]

In the Avignonese context, the accusation of heresy was resumed with renewed vigour as one of the most effective instruments for squashing religious experiences perceived not only as deviant and non-conformist, but also as inimical and adversarial to the curia and to the pontiff. The council of Vienne had codified suspicions of and hostilities toward the Beguine and Free Spirit movements in new decrees of condemnation.[2] But it was especially in the ensuing two decades that—in the context of the new delimitations on heresy—the Holy See propagated the fight against more varied expressions of religious and political dissent. Through the initiative of John XXII the defense of orthodoxy was solidly anchored to the consultations of theologians and canonists, who were called upon on many occasions to express their opinion on important theological-doctrinal, political and juridical questions. Today, the importance of the debates originating in that which had become one of the principal centres of theological elaboration in the Christian West—the

1 See Grado Giovanni Merlo, "Non conformismo religioso e repressione antiereticale," in *Storia della Chiesa*, vol. 9: *La crisi del Trecento e il papato avignonese, 1274–1378*, (ed.) Diego Quaglioni (Cinisello Balsamo: San Paolo, 1994), 448–77; André Vauchez, "Contestations et hérésies dans l'Église latine," in *Histoire du christianisme des origines à nos jours*, vol. 6: *Un temps d'épreuves (1274–1449)* (Paris: Desclée-Fayard, 1990), 320–54.

2 Robert E. Lerner, *The Heresy of the Free Spirit in the Later Middle Ages* (Berkeley: University of California Press, 1972).

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curia of Jacques Duèse—is well known.[3] John XXII opened numerous consultations aimed at the dogmatic definition of the poverty of Christ and the apostles or of the beatific vision, at the repression of magical-religious practices, and at the condemnation of thinkers such as Peter of John Olivi, Meister Eckhart, William of Ockham, Michael of Cesena, and Marsilius of Padua have been carefully reconstructed. Doctrinal codification often proceeded through a request for theological and juridical advice. While inquisitional tribunals availed themselves of efficiently consolidated techniques and procedures to capture heretics and to identify in them new and old errors, the pope promoted a continuous theological reflection, submitting texts and doctrines for consideration to trusted advisors.[4]

Jacques Fournier soon made his entry into the circle of advisors to John XXII too. There was no doubt that the Cistercian monk had the adequate profile to offer trustworthy responses to varied and complex matters. He had obtained a solid theological preparation at the Collège Saint-Bernard in Paris, where in 1313–14 he obtained the rank of *magister*.[5] His Parisian training, together with the promotion of his uncle Arnaud Novel to cardinal, had soon contributed to Fournier's appearance among the faithful advisors to John XXII. This is illustrated by the Cistercian monk's involvement in a theological consultation that took place in the years 1319–20. At that time, he was bishop of Pamiers. For almost two years he had been actively engaged in the repression of heretics in his diocese. In 1319, the pope also entrusted him with the trial against the friar minor Bernard Délicieux, who had been accused of rebellion against the inquisition of Albi and Carcassonne, of betrayal, and of the practice of magical arts.[6] It was probably also through his inquisitorial work that the Cistercian monk became part of a commission of ten theologians and canonists called to offer their opinion on the possibly heretical nature of magical practices.

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3 On the centrality of the Avignonese curia in the intellectual panorama of Europe, see Richard Southern, "The Changing Role of Universities in Medieval Europe," *Historical Research* 60 (1987): 133–46.

4 For a synthesis of John XXII's theological consultations, see Sylvain Piron, "Avignon sous Jean XXII, l'Eldorado des théologiens," in *Jean XXII et le Midi*, Cahiers de Fanjeaux 45 (Toulouse: Privat, 2012), 357–91.

5 According to the dating by Robert E. Lerner, "A Note on the University Career of Jacques Fournier," *Analecta Cisterciensia* 30 (1974): 66–9; some of the *questiones* possibly debated in Paris by Jacques Fournier, bachelor in theology, have been identified by William J. Courtenay, "Reflections on Vat. lat. 1086 and Prosper of Reggio Emilia," in *Theological Quodlibeta in the Middle Ages. The Fourteenth Century*, (ed.) Christopher Schabel (Leiden: Brill, 2009), 354–5.

6 See Alan R. Friedlander, *The Hammer of the Inquisitors. Brother Bernard Délicieux and the Struggle against the Inquisition in Fourteenth Century France* (Leiden: Brill, 2000).

The documents pertaining to this consultation rest on the pontiff's intent to obtain the doctrinal stigmatization of very widely diffused magical practices that had not yet been assimilated to an error of faith.[7] The outcomes of this interrogation are of greater interest than the reasons that led to its opening for they clarify its process and its goal. The consultation gave rise to diverse tendencies, but the opinions it gathered essentially ended up confirming the implicit position of John XXII. Although experts seemed to attribute greater importance to the negation of sacraments than to the invocation of demons in and of itself as a symptom of heretical belonging, the majority of them approved the extension of the notion of heresy contained in the pontiff's interrogation. Fournier himself maintained that certain magical practices were heretical in that they presupposed a false judgement regarding the sacraments and the host.[8] A few years later, the opinions of commissioners would find an official synthesis in the bull *Super illius specula* (1326 or 1327), which qualified the invocation of demons as a heretical act (*factum hereticale*).

If experts rarely ended up disavowing the position of John XXII, their consultation was principally aimed at gathering strong discourses, presented in the form of real treatises, of reponses (*responsiones*) to specific interrogations, or of brief councels (*consilia*) by the most expert and competent staff close to the curia, with an eye to drafting documents as scrupulous and precise as possible. Fournier's precocious expertise took the form of a treatise solidly supported by extensive patristic quotations, in which his experience in the inquisitorial sector of Pamiers shines through discernibly in his technical suggestions on the punishment to be imposed and on posthumous condemnations. Once assimilated to heresy, invocations of the devil and magical practices then called into action inquisitorial tribunals, as Bernard Gui's inclusion of them in his manual demonstrates. As we will see in Chapter 10, once he had ascended to the papal throne, Benedict XII would intervene on multiple occasions to regulate the activity of ecclesiastical tribunals in cases of sorcery.[9]

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7 The reports of the ten experts consulted are contained in the ms. of the Biblioteca Apostolica Vaticana, Borghese 348; they were edited by Alain Boureau, *Le pape et les sorciers. Une consultation de Jean XXII sur la magie en 1320* (*manuscrit B.A.V. Borghese, 348*) (Rome: École Française de Rome, 2004). For an analysis of this consultation, see Alain Boureau, *Satan hérétique: naissance de la démonologie dans l'Occident médiéval* (*1280–1330*) (Paris: Jacob, 2004); and Isabel Iribarren, "From Black Magic to Heresy: A Doctrinal Leap in the Pontificate of John XXII," *Church History* 76 (2007): 32–60.

8 Boureau, *Le pape et les sorciers*, 120–38.

9 Cf. Chapter 10.3, 289–95.

In the ensuing years, Fournier returned to drafting new opinions upon the request of John XXII, taking part in the heated debates that were dense in important political, theological and ecclesiological implications and that would follow one after the other during his pontificate. His participation in the primary theological consultations of the period emerges from a cross-referencing of ancient catalogues for the papal library, which point to the existence of a few codices containing his opinions that are now lost. The catalogue prepared by Urban V in 1369 mentions the presence of a large book bound in red leather that contained the writings of an unspecified author against Eckhart, William of Ockham, Peter of John Olivi, Joachim of Fiore, and Michael of Cesena.[10] The authorship of these texts emerges clearly when they are compared with later catalogues. The writings are obviously the opinions composed by Jacques Fournier—the "Cardinal of Saint Prisca" or the "White Cardinal"—following specific interrogations by John XXII. Despite the incoherent and contradictory information present in existing catalogues, we can reconstruct with certainty the presence of at least three items in the papal library: a large parchment volume bound in red leather containing Fournier's responses to the above-mentioned authors,[11] and two volumes of lesser value in aged paper containing, respectively, the opinions of Fournier against Ockham and against Eckhart.[12]

From this information it is possible to ascertain a few important facts. The pope involved the Cistercian monk in trials against key figures engaged the theological debate of the 1320s. Fournier not only participated in the final

10 "Item magnus liber contra dicta magistri Ekardi, magistri Guillelmi de Ocham, fratris Petri Iohannis Olivi, Ioachim super Apocalipsy et magistrum Michelem de Sezena, coopertus corio rubeo," Franz Ehrle, *Historia bibliothecae romanorum pontificum tum Bonifatianae tum Avenionensis* (Rome: Typis Vaticanis, 1890), 1: 316, no. 382.

11 Ibid. and Marie-Henriette Jullien de Pommerol and Jacques Monfrin, *La bibliothèque pontificale à Avignon et à Peñiscola pendant le grand schisme d'Occident et sa dispersion. Inventaires et concordances* (Rome: École française de Rome, 1991), 1: 386, no. 93; Maurice Faucon, *La librairie des papes d'Avignon: sa formation, sa composition, ses catalogues (1316–1420)* (Paris: Thorin, 1887), 2: 49, no. 98.

12 For information on opinions against Ockham, see: Jullien de Pommerol and Monfrin, *La bibliothèque pontificale*, 1: 137, no. 23; 1: 599, no. 1263; 2: 730, no. 384; Faucon, *La librairie*, 2: 102, no. 702. For information on opinions against Eckhart (sometimes "frater Ricardus"), see: Jullien de Pommerol and Monfrin, *La bibliothèque pontificale*, 1: 139, no. 45; 1: 316, no. 11; 1: 316, no. 1353; Faucon, *La librairie*, 2: 123, no. 712. It does not seem to me that we can attribute to Fournier with certainty a volume containing the articles of Eckhart's "dati ad examinandum," mentioned in the catalogues of 1369 and 1411, see Ehrle, *Historia bibliothecae*, 1: 358, no. 923 and Annaliese Maier, "Der Katalog der päpstlichen Bibliothek in Avignon vom Jahr 1441," *Archivum Historiae Pontificiae* 1 (1963): 125, no. 132.

phase of the trial against Olivi's *Lectura super Apocalypsim* (condemned in 1326),[13] but he also contributed to the censuring of Meister Eckhart's writings (pronounced in 1329)[14] and to the repression of tenacious adversaries of the pontiff like William of Ockham and Michael of Cesena, who had found refuge from 1328 onwards with Louis of Bavaria and who had made his imperial court the centre of vibrant polemics against John XXII and his successor.[15] Of Ockham's works, Fournier examined the commentary on the *Sentences*. He thus took part in the trial of 1324–28.[16] Fournier's opinions were composed separately but then combined and transcribed within the same volume, probably through the initiative of the cardinal himself.

Only partially discordant information is contained, by contrast, in the catalogue of Gregory XI (1375), who surveyed among the *libri sentenciarum hereticorum et Terre Sancte* a large collection of analogous opinions written by Cardinal Fournier at the request of the pope, and that was sub-divided, this time, into two volumes.[17] In addition to the mention of two volumes instead of one, two other facts are readily observable: the disappearance of the name Joachim of Fiore, and the addition, in the volume identified as CLV, of a reference to the controversy surrounding the beatific vision. As it has been observed, the disappearance of Joachim of Fiore from the list of contested authors is attributable to the fact that his name was associated with that of Olivi. It is probable that the Cistercian monk's opinion was essentially directed towards

13 David Burr, *Olivi's Peaceable Kingdom: A Reading of the Apocalypse Commentary* (Philadelphia: University of Pennsylvania Press, 1993); Sylvain Piron, "Censures et condamnation de Pierre de Jean Olivi: enquête dans les marges du Vatican," *Mélanges de l'École française de Rome. Moyen Âge* 118.2 (2006): 313–73.

14 Walter Senner, "Meister Eckhart's Life, Training, Career, and Trial," in *A Companion to Meister Eckhart*, (ed.) Jeremiah M. Hackett (Leiden: Brill, 2013), 7–84.

15 Auguste Pelzer, "Les 51 articles de Guillaume Occam censurés à Avignon en 1326," *Revue d'histoire ecclésiastique* 18 (1922): 240–70; *Nicolaus Minorita, Chronica. Documentation on Pope John XXII, Michael of Cesena and the Poverty of Christ with Summaries in English: A Source Book*, (ed.) Gedeon Gál and David Flood (St. Bonaventure, NY: Franciscan Institute Publications, 1996).

16 Josef Koch, "Der Kardinal Jacques Fournier (Benedikt XII) als Gutachter in theologischen Prozessen," in *Kleine Schriften* (Rome: Edizioni di storia e letteratura, 1973), 2: 377–81.

17 "Item in volumine signato per CLV dicta et responsiones fratris Iacobi tituli Sancte Prisce presbyter cardinalis ad articulos datos per dominum Iohannem papam XXII ex dictis fratris Ekardi, Michaelis, Guillelmi de Ocham et Petri Iohannis ordinis fratrum minorum de animabus sanctorum exutis de corpore an videant Deum ante diem iudicii, secunda pars. / Item in volumine signato per CLVI prima pars contra articulos magistrorum Ekardi, Michaelis, Guillelmi de Ocham et Petri Iohannis," Jullien de Pommerol and Monfrin, *La bibliothèque pontificale*, 1: 499, nos. 655–6.

the latter, though he possibly took the thought of the abbot into consideration too.[18] Greater interpretative difficulties result, rather, from the appearance of the *visio beatifica* among the topics Fournier addressed. Assuming that one can rely on the catalogue information, this inclusion raises two orders of difficulty that have lead to different solutions.

The first matter regards the content of Fournier's lost *consilia*. According to Jean-Marie Vidal and Paul Fournier, volume CLV concerned the confutation of theses that Michael of Cesena and William of Ockham had formulated regarding the beatific vision basing themselves on the writings of Olivi and contradicting the positions of the pope. In this controversy, too, the dispute and the reciprocal accusations of heresy were polarized between Jacques Duèse and the Michaelists.[19] More probably, however, it is right to separate the reference to the *Visiostreit* from the names of the authors under examination, as Koch suggests.[20] According to Koch's reading, Fournier was charged with examining articles extrapolated from the writings of Olivi, Eckhart, Ockham and Michael of Cesena, and he similarly intervened in the debate on the contemplation of the essence of God after death. As we will see shortly, some quotations from a second hand indeed show that the cardinal expressed himself on a much greater diversity of topics than the beatific vision alone. His opinions were likely then gathered together into two volumes, which were not necessarily organized in the manner suggested by the likely imprecise catalogue.

The answer to the first question has direct bearing on a second question of more difficult resolution: Is it possible to identify some of the texts—or even one of the volumes—mentioned in the catalogues of the papal library? It is difficult to know precisely how this lost work was structured. Retracing the participation of the White Cardinal in the doctrinal controversies of the period, and reconstructing the contribution that he made to them by placing himself among the trusted primary theologians of John XXII means repeatedly coming up against the fragmentariness of documents and fighting one's way through absences, less than homogeneous catalogue information, and

18 Koch, "Der Kardinal Jacques Fournier," 369; Anneliese Maier, "Zwei Prooemien Benedikts XII," *Archivum Historiae Pontificiae* 7 (1969): 141, n. 34; Sylvain Piron, "Un avis retrouvé de Jacques Fournier," *Médiévales* 54 (2008): 130.

19 Jean-Marie Vidal, "Notice sur les œuvres du pape Benoît XII," *Revue d'Histoire Ecclésiastique* 6 (1905): 564–5; Paul Fournier, "Jacques Fournier," in *Histoire littéraire de la France* (Paris: Imprimerie Nationale, 1938), 37: 196.

20 Koch, "Der Kardinal Jacques Fournier," 369; Maier, "Zwei Prooemien," 140–1; Piron, "Un avis retrouvé," 129.

quotations in a second hand. Notwithstanding this, some research has permitted us to fill in at least part of the gaps left by the disappearance of the Cistercian monk's *consilia*.

Damasus Trapp and Josef Koch retraced and studied some fragments from Jacques Fournier's large collection by analyzing echoes of it present in the *Decem responsiones* by the Augustinian theologian John Hiltalingen of Basel that dates back to the 1360s.[21] It was possible to discover traces of the substantial opinions that Fournier composed for John XXII in thirty-six faithful citations by the theologian of Basel. Hiltalingen must have recovered them from the copy of a heterogeneous manuscript resembling the one indicated in the aforementioned catalogues. Through his quotations we can retrace the Cistercian monk's reasoning, which is supported by ample patristic and scriptural citations and pronounced against the erroneous and heretical articles extracted from the writings of Peter of John Olivi in the *Lectura super Apocalypsim*, from the commentary to the *Sentences* of William of Ockham, and from the works of Meister Eckhart.

The existence of another text of uncertain authorship adds yet more tiles to this mosaic: parts of a long anonymous counsel rendered to John XXII in 1325 in preparation for the condemnation of the *Lectura super Apocalypsim* that is preserved in ms 1087 of the Municipal Library of Avignon. Sylvain Piron analyzed the text and identified Jacques Fournier as the author of the counsel, which consists of part of the report that Fournier had drafted against Olivi and that was contained in its entirety in both the oft-mentioned manuscript of the pontifical library and in the copy that Hiltalingen had at his disposal.[22] While awaiting a critical edition to confirm the attribution, it is expedient to underscore its reliability and to draw attention to some of its implications. The opinion on Olivi was requested from Fournier in 1325, during the final phase of the trial that brought condemnation to the *Lectura super Apocalypsim*. This raises certain problems of dating. If we lend credence to the oft-mentioned catalogues, which attribute the opinions to the Cardinal of Saint Prisca, it becomes necessary to push back the date of this writing to at least 1327, the year he was promoted to cardinal. Hiltalingen also specified that Fournier "held the title of Cardinal of Saint Prisca" at the time that he composed his text against Peter

21 Damasus Trapp, "Augustinian Theology of the Fourteenth Century. Notes on Editions, Marginalia, Opinions and Book-Lore," *Augustiniana* 6 (1956): 242–50; Koch, "Der Kardinal Jacques Fournier," 367–86.

22 Piron, "Un avis retrouvé."

of John Olivi.[23] There are no indications for dating Fournier's responses with certainty. We may therefore hypothesize that he composed them at different times and then assemble them once he was promoted to cardinal. A portion of this material was thus drafted before 1327 and at the height of the debate that brought the *Lectura super Apocalypsim* to condemnation. This proves that in the years when he was bishop Fournier had already gained the esteem and the acknowledgement of John XXII. The work he completed in the tribunal of Pamiers and continued in the diocese of Mirepoix—which we know was directed against the "Beguins of the third order of Saint Francis"—certainly contributed to strengthening the pope's trust in the Cistercian monk. As Piron recalled, in February of 1326, two weeks after Olivi's work was condemned, the pope complimented Fournier for the commitment he displayed in the repression of heretics. The following year, he was nominated to the cardinalate, thus confirming the position of prominence that he had gained in the entourage of Jacques Duèse.[24]

Although Fournier's opinions have not remained in the pontifical library, they shine through the citations of other authors as they did in the writings that made their way into Hiltalingen's *Responsiones*. Through later references it is possible to identify even more fragments from the large volume of the Cistercian monk's opinions, such as those attributable to Fournier's refutation of Michael of Cesena's ideas, which have thus far escaped the attention of scholars. Short refutations to sixteen theses supported by the "pseudo-friars minor" hostile to Jacques Duèse survive. These theses and responses appear together in the *Directorium inquisitorum* by Nicolaus Eymeric under the title of *De obiectis fraticellorum contra constitutiones Ioannis XXII cum responsionibus ad illa*.[25] The heart of the treatise, which Eymeric reported concisely, consists of Fournier's attempt "while he was cardinal" to resolve the contradictions between Nicholas III's *Exiit qui seminat* and John XXII's decretals. The two popes proposed very different conceptions of the poverty of Christ and of the apostles. The author interpreted the divergence between the two pontiffs in defense of John XXII. Fournier firmly rejected every accusation directed toward

23 Ibid., 445. The attribution of the consultations on Ockham and Eckhart to the period of the cardinalate is less problematic, as Koch shows; see Koch, "Der Kardinal Jacques Fournier," 373.

24 *Jean XXII (1316–1334): Lettres communes analysées d'après les registres dits d'Avignon et du Vatican*, (ed.) Guillaume Mollat, 16 vols. (Paris: Boccard, 1904–47), 6: 110, no. 24466; Piron, "Un avis retrouvé," 130–4.

25 Nicolaus Eymeric, *Directorium inquisitorum*, (ed.) F. Pegna (Rome: apud Georgium Ferrarium, 1587), 295–8.

John XXII for having contradicted Nicholas III, opposing each charge with reasoning supported by scriptural and patristic citations and with reference to Johannine decretals and to his own writings.[26] The sixteen theses he refuted are organized around two central themes: on the one hand, the call of the "pseudo-friars" for the separation between simple use (*usus facti*) and dominion (*dominium*) and their renunciation of the latter as a necessary condition for embracing the poverty of Christ and the apostles; on the other hand, the opinion that a pope could not revoke that which had been defined by another pope and approved in council—unless one of the two were a heretic, in which case the whole Church risked finding itself in error. Multiple theses advanced by detractors of John XXII and of his decretals on poverty (the *Ad conditorem*, the *Cum inter nonnullos* and the *Quia quorundam*) were indeed arranged along those two principal lines.

Jean-Marie Vidal and Paul Fournier considered the writing reported by Eymeric to be an independent polemical treatise composed by Fournier against the Little Brethren.[27] Clément Schmitt reviewed the Cistercian's confutations and situated them opportunely in the context of the battle carried forward by William of Ockham, by Michael of Cesena and by Bonagrazia of Bergamo following the *Cum inter nonnullos*, but without relating them to the missing volume of Fournier's *responsiones*. It seems that the text reported by Eymeric is indeed identifiable as the opinion composed by the cardinal against Michael of Cesena to which the catalogues of the papal library refer. If we look closely at the writings signed by the friar beginning in 1328, we cannot help but to recognize a decisive proximity between the attacks of the Michaelists on Jacques Duèse and the articles refuted by the White Cardinal. Behind the sixteen theses that Eymeric attributes to the "pseudo-friars minor" it is possible to identify the key points of the repeated claims by the Michaelists against the decretals of John XXII on poverty. Arguments similar to those contested by Fournier already appeared in the Avignonese *Appellatio* of 1328 and they are refuted in the *Littera excusatoria*, the *Appellatio minor*, and the *Appellatio maior*. Repudiating the *Exiit*, John XXII silences with heresy not only its author Nicholas III, but also Boniface VIII and Clement V who had approved it, thus rendering illegitimate the cardinals they nominated. It follows that, having been elected by them, he was not a real pope.[28]

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26 "Et tamen iam nos ostendimus quod contrarium haberi potest ex scriptura apostolica et evangelica," ibid., 295.

27 Vidal, "Notice," 561–3 and 563, n. 1. For the dating of this text, see Fournier, "Jacques Fournier," 193–5.

28 See *Nicolaus Minorita, Chronica*, (ed.) Gál and Flood.

Fournier's contestations resolve in a firm defense of Jacques Duèse. All of these responses are in fact aimed at supporting official doctrine. Absolute poverty, he maintains, has no scriptural foundation. Neither Christ nor the apostles renounced property, and it is not possible to separate use from dominion. Recalling various scriptural and historical examples, Fournier furthermore showed that a pope can revoke that which was established by another pope. This does not suffice, however, to qualify Nicholas III as a heretic, since his error was a "deficiency of human intelligence" and not a dangerous "crime." Fournier makes clear that despite the *Exiit*, the Church did not fall into error, because the general council did not approve the decretal. He adds, moreover, that the Rule of the friars minor—which was approved before the *Exiit*—does not stipulate that friars should not possess any goods, be it independently or communally.[29]

In this case, as in other consultations, the position of the Cistercian cardinal is clearly aligned with that of the pontiff and aimed at defending him against polemical attacks regarding the matter of absolute poverty. Bishop of Pamiers at the time the *Cum inter nonnullos* was composed, Fournier was not a part of the commission of jurists and theologians who contributed to drafting the document,[30] but he would speak out many times in the controversies that derived from it in subsequent years. As we will return to observe shortly, he also confronted in a systematic and detailed manner the problem of the poverty of Christ and of the apostles in a work of exegetical character, the *Postilla super Matheum*; reference to a question so bitterly disputed in the 1320s could not but be present in the writings of the cardinal. In the same years, the cardinal was called to pronounce on the theme of poverty on a more strictly juridical level too; John XXII entrusted Fournier with trials carried out in the curia against the *fraticelli* who, like Veran Boyre and Conrad of Weilheim, had judged the pope and his decretals on poverty heretical.[31]

The anti-Michaelist writings taken up by Eymeric thus complete the square of theological opinions rendered by Jacques Fournier to John XXII. The volume in parchment that gathers them attests the primary role he played in the curia as a defender of orthodoxy. Fournier did not ignore the fact that his possible ascent to the top levels of the Church would be played out on that terrain too. The production of the costly volumes containing his theological writings also

29 Eymeric, *Directorium inquisitorum*, 298.

30 Louis Duval-Arnould, "La constitution *Cum inter nonnullos* de Jean XXII sur la pauvreté du Christ et des Apôtres: rédaction préparatoire et rédaction définitive," *Archivum Franciscanum Historicum* 77 (1984): 406–20.

31 Vidal, *Bullaire*, 152–3, nos. 100–1; and 161–4, no. 107 bis.

continued after he was elected pope. The manuscripts that followed Benedict XII into the pontifical library of Avignon and then found a place in the Vatican Apostolic Library, attest in both documentary typology and in codicological elegance the distinction of a brilliant career. Vat. lat. 4030 and Vat. lat. 4006 are parchment codices of refined craftsmanship in *littera textualis*. If it is possible that the value of the volumes Fournier had bound corresponded to a deliberate goal of self-promotion,[32] the content of these texts point to his multiform theological and judiciary commitment to the defense of orthodoxy.

While we have spoken at length about the codex Vat. lat. 4030, which contains the legal actions taken against heretics in the diocese of Pamiers. It is worth spending time on Vat. lat. 4006, which contains two treatises on the *visio beatifica* composed by Fournier upon the request of John XXII (fols. 16a–307a), the treatise by Durand de Saint Pourçan on the same topic (fols. 307b–312b), and thirty-one sermons *de tempore* assembled by Fournier in the years that he was cardinal and pope (fols. 1a–15a, 316a–475a). The account books of the Apostolic Chamber provide information on production costs for the codex. On 31 July 1338 they spent 79 crowns, 245 florins and 28 gold scudi for the binding of an ancient passionary and the decoration of a volume containing the sermons of Benedict XII together with a treatise on the *visio beatifica*.[33] The final mention dates back to the couple of months leading up to the death of the pope, when the same volume appeared among those that engaged Benedict XII's copyists and miniaturists.[34] It was thus the pontiff himself who ordered the production of the codex that would gather together his own writings on one of the most heated theological controversies of the previous years, to which he himself brought an end with the constitution *Benedictus Deus* approximately a year after the conclave that had elected him. The texts that the pope incorporated into the volume differ amongst themselves. While Fournier's first treatise espoused his own position on a well-defined interrogation by John XXII (on whether or not after death the blessed souls see the essence of God face to face before Final Judgement). In the second text, he was called to evaluate whether

32 As observed by Marina Benedetti, "I libri degli inquisitori," in *Libri, e altro. Nel passato e nel presente* (Milan: Mondadori, 2006), 15–32.

33 Karl Heinrich Schäfer, *Die Ausgaben der Apostolischen Kammer unter Benedikt XII., Klemens VI. und Innocenz VI. (1335–1362)* (Paderborn: Schöning, 1914), 85. For the description, cf. Vidal, "Notice," 786–8; Maier, "Zwei Prooemien," 143–4; Christian Trottmann, "Deux interprétations contradictoires de Saint Bernard: les sermons de Jean XXII sur la vision béatifique et les traités inédits du Cardinal Jacques Fournier," *Mélanges de l'École française de Rome. Moyen Âge* 105 (1993): 327–79.

34 Vidal, "Notice," 799–800.

certain theses on the same topic by the Dominican Durand de Saint Pourçan were orthodox or heretical—the reason for which the treatise by Durand was also included in the codex. The pope later added a preamble to the treatises that he composed while he was cardinal.[35]

The new elegantly written and decorated codex with the white leather cover is mentioned in the catalogues of the pontifical library of 1375, 1407 and 1411 and it re-appears among the volumes transported to Rome in 1566.[36] The codex preserved the memory of Fournier's contribution to the resolution of the dispute that had exploded in the final years of John XXII's life, stimulating significant political, religious and philosophical tensions surrounding the very important doctrinal matter. The controversy was rich in implications, having taken its starting point in affirmations of dubious orthodoxy pronounced by Jacques Duèse. The rejection of these theses had an explosive effect, for it disclosed the risk that the leadership of the Roman Church was stained with heresy. Christian Trottmann reconstructed the international setting of the debate, identifying its actors and inserting them in a complex intellectual agon that marshalled various Franciscans who had taken refuge at the Bavarian court, papal supporters, opponents close to the cause of the emperor, and philo-papal Franciscans from Oxford University present in the curia, while also inciting the political interests of John of Aragon, Robert of Anjou, and Philip VI of Valois.[37]

In this case, Jacques Fournier's interventions settled on divergent positions from those of John XXII, who had retracted them, however, before dying. When he perished without the controversy having reached official conclusion, the White Cardinal must have appeared to the members of the conclave as the person best suited to guarantee appeasement. Benedict XII would indeed commit to restoring orthodoxy without truly breaking with his predecessor—something he made possible by avoiding recourse to the accusation of heresy, which would have supported the claims of Jacques Duèse's opponents. With the goal of arriving at a definitive resolution, Benedict XII submitted his proposed theses for consideration to a new commission of theologians, whom the

35 For the edition, see Maier, "Zwei Prooemien."

36 Ehrle, *Historia bibliothecae*, 1: 507, no. 798; *La Biblioteca de Benedicto XIII* (*Don Pedro de Luna*), (ed.) Pascual Galindo Romeo (Zaragoza: "La Académica" de F. Martinez, 1929), no. 694; Maier, "Der Katalog," 122, no. 106; Ead., "Der Handschriftentransport von Avignon nach Rom im Jahr 1566," in *Mélanges Eugène Tisserant* (Vatican City: Biblioteca Apostolica Vaticana, 1964), 22, no. 95.

37 Trottmann, "Deux interprétations contradictoires;" Id., *La vision béatifique: des disputes scolastiques à sa définition par Benoît XII* (Rome: École française de Rome, 1995).

pope reunited in the castle of Pontissorgia and who contributed to the elaboration of the bull *Benedictus Deus*. Fournier's most original theological contribution were not incorporated into the bull, as Trottmann revealed. The pope did favour the urgent pacification, however, and he obtained it both by renouncing certain parts of his own thinking and by safeguarding John XXII from ignominious accusations.[38]

It is thus in the troubled context of John's pontificate that the Cistercian monk's career was launched, thanks to the protection of a relative and to the support of a sound theological training, and was able to develop fully. In a period when the demands of the curia's opponents were rendered explicit in a real proliferation of written polemics and clashed with the most intransigent reaction of leaders of the Roman Church, intertwining with the antipapal sheltering of the house of Baviera, the pope and his entourage were thus forced into a serious process of theological elaboration that could not leave out of consideration the examination of suspect or heretical doctrines. While the pope himself was silenced as a heretic by his opponents and theological disputes catalyzed international political tensions, the struggle against new and old heresies became a prerequisite for reconstituting and promoting unity and obedience in the heart of the Roman Church. In the setting of this crisis, the auto-legitimation of the papacy also progressed with a re-elaborated version of the paradigm of heresy.

Fournier proceeded to combine diverse interventions in this area. In the decade preceding his election as pope he expressed himself on the most relevant matters about which debates in the curia were polarized, participating in the final phase of the trial against the *Lectura super Apocalypsim*, contributing to the dogmatic definition of the *visio beatifica*, and speaking out against Meister Eckhart and the Michaelists. As we have seen, the role the cardinal assumed in the various consultations often emerges in a fragmentary way, surfacing through contradictory catalogue information, subsequent reuse, and doubtful attributions. Much more consistent evidence of documentary import, however, is found in the volumes preserved in the Vatican Apostolic Library, which register the trials conducted against heretics in the diocese of Pamiers, and the interventions of the cardinal aimed at discerning truth from error in the matter of the contemplation of the essence of God after death.

Alongside these texts, there is a monumental work that has thus far been largely neglected by scholars: a commentary on the first ten chapters of the Gospel of Matthew, originally composed in six volumes and 122 treatises. This exegetical text in which Fournier carried to completion his own work as a

38 Trottmann, *La vision béatifique*, 745–811.

scholar and interpreter of sacred scripture also offered the author an opportunity to reflect on the heretics and heresies of antiquity as well as of the contemporary period.

5.2 Fournier's Commentary on the Gospel of Matthew

Many exquisite volumes made their entrance into the pontifical library through Benedict XII's initiative. The enrichment of the library in the years of his pontificate is documented by the account books of the Apostolic Chamber, which record expenses for the writing, binding, decoration and miniature of precious treatises of theology and biblical commentary. To these one must add the volumes Fournier had transcribed and produced before he was elected pope.[39] For the most part, the codices that Benedict XII had produced included works of the patristic tradition. Some writings composed by him prior to his papal election, however, also figure among them: the aforementioned codex containing sermons and treatises on the *visio beatifica*, and a *Postilla super Matheum* in six volumes.[40] From the account books one gleans information about the dating and cost of producing these codices. These six weighty volumes engaged copyists of the pope from 1336–37 until 1340. The register of 1340 documents the transcription of the fourth volume of the commentary on Matthew into 19 sesterni and 3 large-sized sheets that were subsequently bound in green and red leather. The writing of the fifth volume, which was composed of 12 sesterni, cost 18.5 gold florins that same year. It was then passed on to André de Beauvais, who was responsible for producing the binding, decoration and miniatures. In the first half of 1342, he had drawn by hand 37 gold letters on the sixth volume. The work of transcribing and decorating the six codices, to which a volume containing a "very copious and beautiful" *Tabula* was added, must have been finished when Benedict XII died in June of the same year.[41]

The location of the *Postilla* in the pontifical library is recorded in the catalogues of Urban V,[42] Gregory XI[43] and Benedict XIII,[44] in the first catalogue

39 Ehrle, *Historia bibliothecae*, 1: 182–3, 582–4.

40 Friedrich Stegmüller, *Repertorium biblicum Medii Aevi* (Madrid: Consejo Superior de Investigaciones Científicas, Instituto Francisco Suárez, 1977), 9: 148–151, nos. 3882.2 and 5690.

41 Faucon, *La librairie*, 40f.; Ehrle, *Historia bibliothecae*, 154–62.

42 Ehrle, *Historia bibliothecae*, 1: 322–50, nos. 459, 483, 559, 677, 700, 820.

43 Ibid., 1: 507, nos. 790–7, 800–2.

44 *La Biblioteca de Benedicto XIII*, (ed.) Romeo, nos. 143–50.

of Peñiscola, and in the one compiled after the death of Benedict XIII.[45] The seven volumes (the commentary in six volumes and the *Tabula*) must have been physically located beside each other in the Avignon library, as the shelf-marks carried forward from the Gregorian inventory indicate.[46] After their transfer to Peñiscola, they continued to be preserved together.[47] From the first inventory of Peñiscola one learns about the internal organization of the work too. There were a total of 122 treatises related to only the first ten chapters of the Gospel of Matthew.[48]

The catalogue of Gregory XI also mentions the presence of another four copies containing parts of the commentary. There were thus eleven volumes in total and they were placed beside Fournier's works on the *visio beatifica*.[49] After their last mention in the inventory composed upon the death of Benedict XIII, we lose all traces of these manuscripts. It is therefore not certain whether we should identify them in the three codices preserved today in the Barberini collection of the Vatican Apostolic Library, where they bear the catalogue numbers 600, 601 and 602. These are elegant parchment volumes originating in the monastery of the Celestines of Saint-Martial de Gentilly that were completed in the first half of the fourteenth century and that contain the first 89 treatises related to chapters 1–6 of Matthew.[50] The dating of these manuscripts, the distribution of the treatises in three volumes, and palaeographic analysis, suggest that these might be the first three of the six volumes that Benedict XII had had prepared, as Anneliese Maier has shown.[51] A paper manuscript from the same monastery (Barb. lat. 751) that extends from the second part of treatise 36 to the end of number 89 and that must have served as a model for the preparation of Barb. lat. 602 is preserved in the Vatican Library. This text, which is indeed characterized by its continuous writing, had not yet been divided into treatises and chapters, and it presents numerous inter-linear

45 Jullien de Pommerol and Monfrin, *La bibliothèque pontificale*, 384–5, nos. 83–9.

46 The six codices are numbered: CCLXXXIX–CCXCVI. The inventory drafted after the death of Benedict XIII also mentions a volume containing a *septima pars* of the work, cf. ibid., 385, no. 89.

47 Faucon, *La librairie*, 49.

48 "Primo prima pars postille domini Benedicti XII super Matheum, que distincta est per CXXXII tractatus," ibid., 48–9, nos. 89–97.

49 Ehrle, *Historia bibliothecae*, 507.

50 Vidal, "Notice," 799–807; Anneliese Maier, "Der Kommentar Benedikts XII. zum Matthaeus-Evangelium" *Archivum Historiae Pontificiae* 6 (1968): 398–405; Ead., *Der letzte Katalog der päpstlichen Bibliothek von Avignon (1594)* (Rome: Edizioni di Storia e Letteratura, 1952), 18f.

51 Maier, "Der Kommentar," 400–1, n. 14.

or marginal annotations, deletions or corrections; it was an early version of Jacques Fournier's exegetical work.[52]

Other copies of the commentary from the ensuing century are also preserved. They do not add much to our current knowledge of the work's content. A paper volume dating to the fifteenth century is preserved in the Municipal Library of Tours. It holds the first 27 treatises of the commentary and thus constitutes a copy of the first volume of the work.[53] Another paper copy of the same size is preserved in the National Library of Catalunya.[54]

More information on the missing parts of the commentary can be obtained thanks to an important attribution by Anneliese Maier, according to whom Jacques Fournier was the author of the anonymous commentary on Matthew 9:18–10:16 preserved in the Borghese collection of the Vatican Library.[55] The paper volume dating to the fourteenth century presents a preparatory version of the commentary. In this case, too, it is not yet divided into treatises and chapters, and it bears numerous corrections, marginal notes and deletions.[56] If it is not necessary to review all of the arguments in support of this convincing hypothesis, it must nevertheless be emphasized that the content of the manuscript does not coincide with that of any other copy. It may be from the first draft of the sixth and not otherwise preserved volume of Fournier's commentary, which comprises twelve treatises. While Maier's attribution fills notable gaps in the transmission history of the text by identifying the sixth volume of the commentary, there are no copies of the fifth volume. The sole copy of the fourth volume survives, by contrast, in the ancient collection of the Médiathèque du Grand-Troyes, with the catalogue number 549.[57]

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52 Ibid., 401f.; Vidal ("Notice," 804–5) believes the opposite, that Barb. lat. 751 was a copy of 602.

53 Tours, Bibliothèque municipale, 119. For a description of the manuscript, see *Catalogue général des manuscrits des bibliothèques publiques de France*, vol. 37.1: *Tours* (Paris: Plon, 1900), 76, no. 119.

54 Barcelona, Biblioteca de Catalunya (olim Biblioteca Central de la Diputación Provincial de Barcelona), 550, fols. 3–364. Brief sections of this manuscript have been edited, translated, and studied by Christopher Ocker, *Biblical Poetics before Humanism and Reformation* (Cambridge: Cambridge University Press, 2002).

55 BAV, Borgh. 32. For a description of the manuscript, see Anneliese Maier, *Codices Burghesiani Bibliothecae Vaticanae*, Studi e testi 170 (Vatican City: Biblioteca Apostolica Vaticana, 1952). The hypothesis regarding attribution is presented in Maier, "Der Kommentar," 402–5.

56 Maier, *Der letzte Katalog*, 30.

57 Troyes, Médiathèque du Grand-Troyes (*olim* Bibliothèque Municipale), 549, vols. I–IV. Henceforth, I refer to these manuscripts as Troyes 549, I–IV.

The copy preserved at Troyes is the most complete evidence of Fournier's *Postilla*. It comprises four paper volumes and contains treatises 1–104, which are organized in the same manner as indicated in the Peñiscola catalogue.[58] The codices were copied from the library of the Cistercian abbey in Clairvaux at the close of the fifteenth century. The colophons of the three books reveal the dates and the names of the copyist. The writing of the first volume was finished in 1490, that of the third in 1472, and that of the fourth in 1493. While there are no indications for dating the second book, we know that it was contemporary with the others.[59] The monk Hugues de Iulleyo, procurator of Clairvaux, commissioned Nicholas de Lupomonte to copy the work. It was the latter who transcribed the four volumes into a dense cursive script in two columns.

The origin of the manuscript is not only indicated by information pertaining to its commissioning and by a note in the margin that identifies the first volume as the "Book of Holy Mary of Clairvaux."[60] Old catalogues of the abbey library also confirm it. The earliest information about the presence of a *Mathei expositio a Benedicto papa XII* appears in a repertory composed after 1521 by the monk Mathurin de Cangey.[61] According to this attestation, the commentary already comprised four volumes only. Let us leave aside the matter of whether the other two were lost prior to 1521 or whether more probably they were never transcribed. We do know that the commentary was transcribed in the same Collège Saint-Bernard of Paris at which Jacques Fournier completed his studies.[62] It was in the context of a considerable expansion of the Clairvaux library that Hugues de Iulleyo ordered the preparation of the codices. Between 1495 and 1503, a new *magna libraria* was in fact built beside the smaller abbey library; it is not surprising that they wished to preserve the exegetical works of the Cistercian pope.[63]

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58 Vol. I, treatises 1–27; vol. II, treatises 28–63; vol. III, treatises 64–89; vol. IV, treatises 90–104.

59 For a description of the manuscript, see Charles Samaran and Robert Marichal, *Catalogue des manuscrits en écriture latine portant des indications de date, lieu ou de copiste*, vol. 5: *Est de la France* (Paris: CNRS, 1965), 469; *Scriptorium* 45.2 (1991): 172–3, no. 690; and *Catalogue général des manuscrits des bibliothèques publiques de France*, vol. 2: *Troyes* (Paris: Imprimerie impériale, 1855).

60 Troyes 549, I, fol. 50rb, on the lower margin.

61 André Vernet, Jean-Paul Bouhot, and Jean-François Genest, *La bibliothèque de l'Abbaye de Clairvaux du XII^e^ au XVIII^e^ siècle* (Turnhout: Brepols, 1997), 1: 390 and 394.

62 Anne Bondéelle-Souchier, *Bibliothèques cisterciennes dans la France médiévale* (Paris: CNRS, 1991), 242f.

63 Bondéelle, *Bibliothèques cisterciennes*, 91–2; Vernet, *La bibliothèque de l'abbaye*, 1: 35–49.

The information furnished thus far, when equipped with a partial textual analysis, permits the formulation of an initial hypothesis regarding the dating of Jacques Fournier's *Postilla super Matheum*. Only a critical edition, however, could provide more precise information regarding the periods during which the work was composed. As we have observed, the account books of the Apostolic Chamber indicate that the text was certainly composed prior to 1336–37: the earliest information regarding the transcription of the work do date to this period. A *terminus post quem* for the composition of the commentary must be determined, rather, from information contained within the text itself. As Anneliese Maier has observed, in volume five, from the very first passage *Nolite possidere aurum neque argentum neque pecuniam* (Matt. 10.9), Fournier organized a long treatise on the poverty of Christ and the apostles in which he rejected the doctrine of absolute poverty.[64] Pointing out the reference to the *Cum inter nonnullos* or to the *Quia quorundam*, Maier suggested that the commentary be dated from 1324.[65] To this observation, we must add new data that emerges from an analysis of volume four of the *Postilla*, in which—as we will see in more detail in Chapter 6—Fournier counts Joachim of Fiore and his *discipulus* Peter of John Olivi among modern heretics.[66] Although brief, the commentary seems to allude to the February 1326 condemnation by which John XXII brought an end to the second phase of the trial against the *Lectura super Apocalypsim*. If we accept this hypothesis, we must push back the composition of the commentary, or of some of its parts, to at least 1326. If the information extrapolated from the financial records of the Apostolic Chamber and from the text itself seem to ascribe the *Postilla* to the decade of 1326–36, the developments of Jacques Fournier's career suggest an additional constriction of the periods of composition for the commentary, making the writing of the work coincide with the period when he was cardinal (1327–34). The conclave that elected Benedict XII in December 1334 must have interrupted the composition of the *Postilla* at the tenth chapter of the Gospel of Matthew.

Even if one does not exclude the possibility that the definitive draft of the commentary rests upon the re-elaboration of material partially prepared in the preceding period, the work that we have before our eyes is from Fournier as a fully mature theologian. As we will observe in greater detail, some characteristics of the structure of the *Postilla* shed light on its composition. The

64 BAV, Borgh. 32, fols. 275–351.

65 Maier, "Der Kommentar," 402–3.

66 "Abbas Ioachim et eius discipulus Petrus Iohannis Olivi et multi alii et quasi pro maiori parte omnes heretici qui circa tempora nostra novas hereses confinxerunt," Troyes 549, IV, fol. 245vb.

monumental size of the work, in which each treatise occupies approximately ten pages, distinguishes it from a classic university commentary. Though it was realized thanks to technical instruments inherited from the scholastic and university tradition of the twelfth and thirteenth centuries, Fournier's *Postilla* is different in character. It is not a text composed in an academic environment. The magnitude of his treatises was not compatible with that of the *lectio*. It is rather a work conceived in the intellectual *milieu* of the Avignonese curia.[67] This substiantial commentary carried to its highest expression the work and the inspiration of the cardinal-theologian. Jacques Fournier was perhaps aware that this, too, would have strengthened his candidature for the apostolic seat, and the six elegant codices that he had already bound beginning in 1336 must have offered tangible proof of the intellectual depth and the fervid inspiration of the new pope.

There is only a partial edition of Benedict XII's *expositio* on the Gospel of Matthew. The Dominican Giorgio Lazari, who erroneously attributed the work to his own confrere, Benedict XI, produced it in 1603. This publication, which is based on the second volume preserved in the Barberini collection, only transmits treatises 27–50 though.[68] Other than the useful and oft-cited essay by Vidal and Maier, who were attentive to the textual transmission and identification of the manuscripts, few studies centre on this commentary.[69] Christopher Ocker edited, translated and studied some fragments of the prologue from the Barcelona copy.[70] References to the *Postilla* as an expression of the intellectual importance of the future pontiff also emerge in Jan Ballweg's monograph.[71] Studying its exegesis of verses Matt. 5.29–30, Christian Trottmann revealed that it is the most personal work by Fournier.[72] Excluding these references and a few related publications of my own,[73] the most imposing of Fournier's

67 See Dahan, *L'exégèse chrétienne de la Bible*, 111–6, 121–59.

68 *B. papae Undecimi in Evangelium D. Matthaei absolutissima commentaria*, (ed.) Giorgio Lazari (Venice: Zenarium, 1603).

69 Vidal, "Notice," 799–806; Maier, "Der Kommentar."

70 Christopher Ocker, *Biblical Poethics*.

71 Jan Ballweg, *Konziliare oder papstliche Ordensreform. Benedikt 12. und die Reformdiskussion im fruhen 14. Jahrhundert* (Tübingen: Mohr Siebeck, 2001), 132–48.

72 Christian Trottmann, "Vie active et vie contemplative dans le commentaire de Benoît XII sur l'Évangile de Matthieu," in *Vie active et vie contemplative au Moyen Âge et au seuil de la Renaissance*, (ed.) Christian Trottmann (Rome: École française de Rome, 2009), 291–316.

73 Irene Bueno, "False Prophets and Ravening Wolves. Biblical Exegesis as a Tool against Heretics in Jacques Fournier's *Postilla* on Matthew," *Speculum* (2014): 35–65; Ead., "Come estirpare le cattive piante. La riflessione sull'eresia nell'opera esegetica di Jacques Fournier"

works, the composition of which was interrupted only by the author's election as leader of the Church, has generated but a marginal interest.

A few reasons account for this lack of focus on the *Postilla super Matheum*. The copy of Troyes comprising over 1700 sheets, the magnitude of the work has certainly discouraged both the preparation of a complete critical edition and a textual analysis that, in the absence of an edition, would have to be based on the examination of manuscripts. The separation of academic disciplines also contributed to the relegation of this work to a marginal position, as did the hesitation of historians of heresy and inquisition to address the history of biblical studies. It must be observed, however, that scholars of medieval biblical exegesis have also largely ignored the commentary.

This silence is attributable to the greater attention dedicated to monastic and university commentaries of the twelfth and thirteenth centuries with respect to literature of the fourteenth century, which is often considered a crystalized repetition of previously acquired forms. With the exception of Spicq's *Esquisse*, general histories of medieval biblical exegesis in fact only summarily address the fourteenth century.[74] That the lack of interest in commentaries of the fourteenth century is due to an actual decline in production at the end of the thirteenth century is only partially confirmed by what has been more closely observed of the evolution of the genre in the late medieval period. As Courtenay has illustrated, the compilation of exegetical texts in university contexts was notably reduced in the fourteenth century, and in the years 1280–1375 commentaries on scripture composed by secular theologians were entirely

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in *Images and Words in Exile. Avignon and Italy in the First Half of the Fourteenth Century*, (ed.) Gerhard Wolf, Elisa Brilli and Laura Fenelli (Certosa del Galluzzo: SISMEL, in press).

74 Ceslas Spicq, *Esquisse d'une histoire de l'exégèse latine au Moyen Âge* (Paris: Vrin, 1944); Gilbert Dahan, *L'exégèse chrétienne de la Bible en Occident médiéval* (*XII^e–XIV^e siècle*) (Paris: Cerf, 1999). Little attention has been granted to the Trecento in general histories of medieval exegesis: Beryl Smalley, *The Study of the Bible in the Middle Ages* (Oxford: Blackwell, 1983); *The Cambridge History of the Bible*, vol. 2: *The West from the Fathers to the Reformation*, (ed.) G.W.H. Lampe (London: Cambridge University Press, 1970); *Le Moyen Âge et la Bible*, (ed.) Pierre Riché and Guy Lobrichon (Paris: Beauchesne, 1984); Henri de Lubac, *Exégèse médiévale: les quatre sens de l'Écriture*, 4 vols. (Paris: Aubier, 1959–63). Note the book by Paul de Vooght, *Les sources de la doctrine chrétienne d'après les théologiens du XIV^e siècle et du début du XV^e* (Paris: Desclée de Brouwer, 1954). There is no lack of essays on biblical exegesis during the Trecento: William J. Courtenay, "The Bible in the Fourteenth Century: Some Observations," *Church History* 54.2 (1985): 176–87; Beryl Smalley, "Problems of Exegesis in the Fourteenth Century," in *Vorträge der Kölner Mediaevistentagungen, 1956–1959*, (ed.) Paul Wilpert and Willehaud Paul Eckert (Berlin: De Gruyter, 1962), 266–74.

absent.[75] There were nevertheless signs of recovery. Beryl Smalley has shown that during the pontificate of John XXII there was a general revival of biblical studies: if the commentaries on scriptures were rare in the late thirteenth century, they multiplied, rather, in subsequent decades, and this production was particularly encouraged by Jacques Duèse.[76] The perpetration of models inherited from tradition did not impede the emergence, in this period, of distinctive characters: beside the traditional strongholds of biblical study (Paris, Oxford), centres like Vienna, Strasbourg, Cologne, Prague or Krakow rose to importance, and the genre flourished in the French Midi (Avignon, Montpellier, Toulouse) around the motor force of the Avignonese popes.[77] This diversification of centres was also accompanied by greater variation in the origins of commentators, who came from all of the religious orders, and thus contributed to an evolution in methods and to an enrichment of the sources employed.[78]

Composed in the context of a new resurgence of biblical studies, Jacques Fournier's exegetical works reflect certain characteristics of fourteenth-century production. Written by a Cistercian cardinal in the Avignonese intellectual *milieu*, it is distant from the academic genre, demonstrating at once the influences of the author's Parisian training and the intellectual fervour of the curia during the pontificate of John XXII. To the detriment of the silence that long engulfed this text, even a partial analysis of it suffices to reveal its significance and the importance of the topics it addresses. Perhaps surprisingly, the interest of Fournier's *Postilla* pushes us much further afield than research that essentially targets exegetical literature. In the variety of topics this text addresses, it integrates and completes the information that we cull from a very heterogeneous body of documents produced by Fournier, thus permitting us to reconstruct the connections that necessarily exist between theological elaboration, personal devotion, concrete administrative and judiciary experience, and the lines of government put into practice following his election as pope. In particular, reflections on heresy and on heretics that surface in certain sections of the commentary furnish invaluable material for a more articulate

75 Courtenay, "The Bible in the Fourteenth Century."

76 Beryl Smalley, "John Baconthorpe's Postill on St. Matthew," in *Medieval and Renaissance Studies* 4 (1958), 91–145.

77 Gilbert Dahan, "Histoire de l'exégèse chrétienne au Moyen Âge," *Annuaire de l'École Pratique des Hautes Études. Section des sciences religieuses* 112 (2003–4): 312–3; Courtenay, "The Bible in the Fourteenth Century," 184; Beryl Smalley, *English Friars and Antiquity in the Early Fourteenth Century* (New York: Barnes & Noble, 1961), 133–202.

78 Courtenay, "The Bible in the Fourteenth Century," 184f.

reconstruction of the idea of heterodoxy and of the strategies put into play to combat it in the first half of the fourteenth century.

5.3 Organization of the Work

Fournier's commentary on the Gospel of Matthew is a monumental work. As we revealed earlier, its four volumes are comprised of approximately 1700 sheets in total. It is to these copies that we refer in the course of the ensuing chapters. Our analysis will be essentially based on the sole copy of the fourth volume.

The organization of the commentary within the manuscript makes consultation easy. Reading is facilitated by a series of devices that separate the divisions of the text and the topics addressed, rendering them easily discernible. Technical instruments elaborated and perfected at the heart of the university were in fact taken advantage of outside the realm of university production.[79] A first aid for easing consultation of such a lengthy text naturally consists in specifying the topics addressed. If the table pertaining to the work as a whole was originally enclosed in one volume, subsequent copies broke it down into more facile indicators located in a separate booklet at the beginning of each volume. This is what happened to the four volumes of Troyes: the *explicit* of the tables indicate that they were prepared at different times with respect to the transcription of the treatises; they probably originate from the repartitioning of a single table to make consulting the work easier. The table of the first volume was completed in December 1490, while the copies of the treatises themselves were finished in April.[80] The table of the second volume is dated 5 December of an unspecified year and there are no indications for the date of the third volume. The index of the fourth volume was completed on 14 July 1491, but the writing of the treatises to which they correspond was completed two years later.[81]

An explanatory note following the *incipit* of the first *tabula* eases consultation of the commentary and its indices. It indicates that the work is divided

79 On the structure of monastic, scholastic and university texts, cf. Dahan, *L'exégèse chrétienne*, 75–121.

80 "Explicit tabula primi voluminis Benedicti Pape duodecimi super Matheum per me Nicolaum de Lupomonte in artibus magistrum ad instanciam fratris Hugonis de Iulleyo procuratoris ac rentarii Clarevallensis atleta XXIIa die mensis decembris, anno domini MCCCC nonagesimo primo," Troyes 549, I, fol. 49va.

81 Ibid. IV, fol. 52ra.

into treatises, which are themselves sub-divided into chapters, and it presents a brief summary at the beginning of each chapter. The list is organized alphabetically. It provides a list of the major topics discussed and, additionally, an accurate list of the contexts in which each topic is addressed, with indications for the relevant treatise and chapter.[82] This greatly facilitated consultation of the commentary, because the reader would have immediately before his eyes the places in which a topic was discussed and the specific argument of the narrative in these places. Consulting the table of volume four, one immediately ascertains the decisive and consistent entry into the text of reflections on heretics and on heresy that is easily visible in the concentration of topics corresponding to the entries *doctrina heretica, doctrina hereticorum, heresis, heretici*, especially in treatises 98, 99 and 100. As we will see, these sections are coordinated with each other to the point of almost forming a coherent treatise by Jacques Fournier on heretics and heresies founded on an analysis of the Gospel of Matthew.

Consultation of the manuscript was additionally facilitated by the re-partitioning of the text into sections immediately recognizable at the visual level. Each treatise opens with a quotation from a passage of Matthew prepared with a large pen and decorated with an historiated initial. The subsequent sub-division into chapters (between ten and thrity-two per treatise) is visually marked by rubrics in red and blue, which are all the more easily discernible because the summary that precedes them is drafted in red ink. The central argument of each chapter is normally condensed into the first sentences of the exposition, which are followed by the support of scriptural passages from the gospels and most often the Old Testament with relevant patristic commentaries. A marginal note always indicates the author quoted, while the text itself offers primary references for identifying with precision the passage in question.

This kind of organization helps one to see the author's original contribution through the long patristic citations. He crafts elaborate demonstrations, the logic of which is knowingly inscribed in the minor and major divisions of the work. The logic of his argumentation connects the diverse chapters within a treatise, and relates each treatise to the one that follows, so as to offer, in the greatest breakdown of the evangelical text and in the numerous partitions of the *expositio*, a consecutive and homogeneous treatment on the whole.

82 "Ad cuius evidenciam est primo sciendum quod cum dictum volumen, exceptis proemio et titulo, dividatur in tractatus et capitula tantum, ideo primus numerus cotat tractatum, secundus capitulum. (…) Ordinatur igitur tabula infrascripta secundum ordinem alphabeti, non solum quantum ad principia set quantum ad media, prout in prosecutione tabule evidenter apparet," ibid., I, fol. 1r and IV, fol. 1ra.

Chapters and treatises follow one after the other in such a way as to create a logical whole in which it is possible to trace the author's thought.

The uncommon extent of the work results from the analytical precision of the author and from the succession of long and numerous citations included in the text. The high number of authorities cited and the exceptional magnitude of reported passages in support of the argument are characteristic traits that distinguish Fournier's *Postilla* from other exegetical and theological works. The creative possibilities intrinsic to the *compilatio* are demonstrated in the context of a vivid discussion regarding the use of *auctoritates* in medieval texts: far from amounting to fruitless copying, the incorporation of patristic texts into the commentary results from the author's conscious choice to profess loyalty to the highest *doctores* in the most complete way possible and thus to express truth in his text.[83] Such a rich use of patristic and scriptural passages distinguishes the entire production of the Cistercian monk. It is a model that he repeats in the *sermones* as in the *De statu animarum*. He incorporated the writings of the Church Fathers into the commentary to demonstrate his reasoning and to support his argument by anchoring every section of the text to the authority of the masters.

Besides Augustine, the most frequently cited authors in the treatises examined are Hilary, Rabanus Maurus, Bede, Origen, Jerome, Anselm, Hugh of Saint Victor, Gregory, Chrysostom, and Isidore. Among the moderns, Bernard of Clairvaux figures most of all. References to Augustine, the most cited author by far, include numerous works, among which once counts: *De sermone Domini in monte, Contra Faustum Manicheum, Sermones, De civitate Dei, Confessiones, Epistolae, Enarrationes in psalmos, De doctrina christiana*, and *Tractatus in Evangelium Iohannis*. While there is continual reference to the *Glossa ordinaria*, Fournier does not seem to use the florilegia. The vast number of cited texts seems to indicate, rather, that he consulted patristic texts directly. The cardinal did have at his disposal the pontifical library that he himself had helped to

83 Alastair J. Minnis, "Late Medieval Discussions of *compilatio* and the Role of the Compilator," *Beiträge zur Geschichte der deutschen Sprache und Literature* 101 (1979): 385–421; Id., *Medieval Theory of Authorship. Scholastic Literary Attitudes in the Later Middle Ages* (London: Scolar Press, 1984); Id., "*Nolens Auctor sed compilator reputari*: The Late-Medieval Discourse of Compilation," in *La méthode critique au Moyen Âge*, (ed.) Mireille Chazan and Gilbert Dahan (Turnhout: Brepols, 2006), 47–63; Bernard Guenée, "Lo storico e la compilazione nel XII secolo," in *Aspetti della letteratura Latina nel secolo XIII*, (ed.) Claudio Leonardi (Florence: La Nuova Italia, 1986), 57–76; Neil Hathaway "*Compilatio*. From Plagiarism to Compiling," *Viator* 20 (1989): 19–44; *Ad litteram. Authoritative Texts and their Medieval Readers*, (ed.) Mark D. Jordan and Emery Kent (Notre Dame: University of Notre Dame Press, 1992).

enrich. We do know that once he was elected pope he pushed for the entry of numerous biblical commentaries into the library. Among major expenses in the years 1336–37, the records of the Apostolic Chamber document payment for the commentaries of Rabanus Maurus and of Bede on the Gospel of Matthew.[84] In 1339, Hilary's commentary on the same gospel was also copied.[85]

In this context of crisis and of violent divisions within Western Christianity—which struck the order of the Minors and relations between the papacy and the empire, and which implicated Pope John XXII himself in multiple accusations of heresy—the leaders of the Roman Church reacted by pushing for theological debate in the environments closest to the curia, deploying the composition of treatises, *consilia* and *responsiones* on the most varied topics with the goal of defending and conferring new authority upon the Apostolic See as the ultimate guarantor of orthodoxy. Jacques Fournier was involved early in the consultations opened by John XXII, wherein he figured quickly as one of the most accredited theologians at the Avignonese curia. As we will see in the coming chapters, he did not hesitate to set the foundations of a deliberation on heresy with a meticulously thorough examination of the scriptures.

84 Schäfer, *Die Ausgaben*, 165.

85 Ehrle, *Historia bibliothecae*, 1: 182–3, 582–4.

CHAPTER 6

Heretics in Fournier's Commentary on Matthew

6.1 Corrupting Faith, Corrupting Customs

Treatises 98–100 of Fournier's *Postilla* contain an in-depth exposition of verses 7.15–20 of the Gospel of Matthew.[1] The passage concerns the Sermon on the Mount in which Christ exhorts the apostles to:

> 15 Beware of false prophets, who come to you in the clothing of sheep, but inwardly they are ravening wolves. 16 By their fruits you shall know them. Do men gather grapes of thorns, or figs of thistles? 17 Even so every good tree bringeth forth good fruit, and the evil tree bringeth forth evil fruit. 18 A good tree cannot bring forth evil fruit, neither can an evil tree bring forth good fruit. 19 Every tree that bringeth not forth good fruit, shall be cut down, and shall be cast into the fire. 20 Wherefore by their fruits you shall know them.

The interpretive key of the entire exposition is declared immediately in the brief notation that introduces treatise 98. The simile is established immediately: the Lord, discussing false prophets who disguise themselves outwardly as sheep, but who are inwardly ravenous wolves, refers to heretics who corrupt faith.[2] The exegetical proposition is based on the inheritance received from the Church Fathers. Since late antiquity, Christian Fathers had in fact established a strong correlation between false prophets and heretics, reading the Matt. 7.15 pericope in light of the clash between orthodoxy and heterodoxy. This nexus was often supported by figural interpretations, which drew a line of continuity between the Old and New Testament: like the false prophets of the old law, the heretics—that is, the false prophets of the new law—distort doctrine and divine precepts.[3] Augustine,

1 Treatise 98 occupies fols. 231ra–273va of ms Troyes, Mediathèque du Grand-Troyes (olim Bibliothèque municipale), 549, IV; treatise 99, fols. 273va–300va; treatise 100, fols. 300va–318ra. I will limit myself to identifying this manuscript in the abbreviated form: Troyes 549, IV. All transcriptions of this text, which were effected following the criteria presented on p. 12, are mine.

2 "Ponitur prima continuacio et divisio exponendo hoc dictum Domini *de hereticis corruptoribus fidei*," Troyes 549, IV, fol. 230v; italics added.

3 "Sic ergo sicut in veteri testamento falsi prophete incurvabant legis precepta, preceptorum rectitudinem ad sensum carnalem et bestialem trahentes (…), ita et in novo testamento heretici et fidem pervertunt et precepta Dei incurvant, propter quod heretici novi

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the most cited *auctoritas* by Fournier, explains the same passage of the Sermon on the Mount, comparing heretics to pseudo-prophets who feign knowledge of the truth while in reality they are ignorant of it.[4] Jerome also refers to the false prophets of the Gospel of Matthew, in particular, as heretics, highlighting the contrast between their outward appearance and their true nature.[5] Having received the legacy of these authorities, medieval authors also crafted interpretations that connected false prophets and heretics and that considered the latter as pseudo-prophets of the new law. Commenting on the same pericope, compilers of the *Glossa ordinaria* paraphrased Jerome, accepting that the allusion to false prophets referred to heretics most of all.[6] This form was also reproduced in the Cistercian tradition, where it penetrated the writings of authors like Bernard of Clairvaux,[7] Bernard of Fontcaude,[8] and Alain de Lille.[9]

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testamenti recte comparantur falsis prophetis veteris testamenti, cum Dominus eos falsos prophetas appellat propter opus simile quod illi excercebant et isti nunc excercent," ibid., fols. 242va–242vb.

4 "Hic ergo illi qui promittunt sapientiam cognitionemque veritatis quam non habent, praecipue cavendi sunt, sicut sunt heretici," Augustin of Hippo, *De sermone Domini in monte* 2.24.78, PL 34: 1305.

5 "Sed specialiter de haereticis intelligendum est, qui videntur continentia, castitate, jejunio, quasi quadam pietatis se veste circumdare, intrinsecus vero habentes animum venenatum, simpliciorum fratrum corda decipiunt," Jerome, *Commentariorum in evangelium Matthaei ad Eusebium libri quatuor* 1.40, PL 26: 48a–b (cited by Jacques Fournier on Troyes 549, IV, fol. 231rb).

6 "*Attendite*. Quod supra latam portam dixit, falsos prophetas apertius dicit. *Attendite*. Licet hoc de omnibus qui aliud habitu et sermone, aliud opere ostendunt, possit accipi; tamen specialiter de haereticis qui quadam pietatis veste tecti, venenato animo et intentione nocendi lupi sunt rapaces, vel exterius si copia datur persequendo, vel interius corrumpendo," *Glossa Ordinaria Evangelii Matthaei* 7.15, PL 114: 110.

7 The verses Matt. 7.15–16 are often cited by Bernard in relation to heretics; for example, Arnold of Brescia is described thusly: "Et ipse Dominus, *Venient*, inquiens, *ad vos in vestimentis ovium, intrinsecus autem sunt lupi rapaces*," Bernard of Clairvaux, *Epistola* 195, in *S. Bernardi Opera*, (ed.) J. Leclercq, H. Rochais and C.H. Talbot (Rome: Editiones Cistercienses, 1974–77), 8: 49–50 (cited by Fournier on fol. 275rb). Recently, the passage was cited in relation to the monk Henricus: "[Henricus haereticus] versatur in terra vestra *sub vestimentis ovium lupus rapax*: sed ad Domini designationem, *a fructibus ejus cognoscimus illum*," *Epistola* 241, ibid., 8: 125. And again, in sermon 66 on the *Super cantica canticorum*, Bernard affirms: "Hi sunt *qui veniunt in vestimentis ovium*, ad nudandas oves et spoliandos arietes," ibid., 2: 178.

8 "Non ergo invidemus eis prophetantibus; quia prophetae non sunt, nisi forte falsi; de quibus Dominus: *Attendite a falsis prophetis*," Bernard de Fontcaude, *Liber contra Waldenses* 4.14, PL 204: 809.

9 "Sunt quidam haeretici qui se justos esse fingunt, cum sint lupi veste ovina induti. De quibus Dominus in Evangelio dicit: *Attendite a falsis prophetis qui veniunt ad vos in vestimentis ovium,*

Jacques Fournier received and re-interpreted this complex tradition in his own commentary. The passage Matt. 7.15 in the *Postilla* opens a lengthy reflection spanning 44 chapters on the characteristics of heretics and the danger that they represent for the Church and for the faithful. The author grants particular attention to the hypocrisy that impels heretics to don the appearance of sanctity so as to deceive simple folk.

The interpretation of the passage is aimed at shedding light on the plurality of dangers that heresy subtends. Fournier breaks the text down in such a way as to examine the meaning of every single word while simultaneously linking each one to other verses and to his commentary on them in subsequent treatises. The result is a coherent exposition that links treatises 98, 99 and 100 to each other and that characterizes the manner in which heretics act on faith and on behaviour so as to corrupt them both. The relationship between faith and deeds plays a central role in the commentary, shaping the narrative and analytic structure of the three treatises and establishing itself as the fulcrum of the opposition between good Christians and heretics.

The reconstruction of Jacques Fournier's interrogations in the Pamiers tribunal and the comparison of them with inquisitorial documents of earlier periods has shed light on how doctrinal aspects and behaviour fulfilled a variable importance as elements indicative of heresy for ecclesiastical judges; although questions regarding the faith and the religious convictions of the accused had assumed an increasing weight in the inquisitorial questioning of Jacques Fournier, 'heretical facts' continued to occupy the prominent position in the tribunal, comparable, if not equivalent to, that which had distinguished Occitan inquests of the preceding century.[10] The matter of the relationship between beliefs and behaviour, between faith and deeds, appears many times in the exegetical works of Jacques Fournier too. The author carefully measures the weight of each category, now in the identification of heretics, now in the description of the path towards eternal salvation, and now in teaching the faithful and caring for their souls. Without a doubt, it emerges from the commentary that both faith and works contribute to distinguish the faithful from heretics, and that both are necessary in pursuing the path to salvation: "without faith it is impossible to please God," but "faith without works is idle" [Heb. 11]. Fournier underscores, then, the necessity of intervening against both those who threaten faith and those who, though possessing righteous faith, lead the faithful to perform wicked and depraved

intrinsecus autem sunt lupi rapaces," Alain de Lille, *Contra haereticos libri quatuor* 2.1, PL 210: 377–80.

10 Cf. Chapter 3.

deeds, corrupting their habits and disseminating sin.[11] But, as we will see, in his biblical commentary the faith/works dualism also assumes a hermeneutic value, because in light of these categories, Fournier attempts to justify the same fact-finding process that, by addressing external manifestations of heresy, intends to penetrate the intimate and elusive meanders of human consciousness too.

Fournier's deliberation on heretics in his *Postilla* is thus organized in two macro-directions. Initially, the Lord exhorts Christians to beware of those who corrupt faith by hiding behind a veil of piety and innocence, for which they are not easily recognizable. The related commentary (treatise 98) highlights the effects that the threat of heresy has on faith. Next, the Sermon on the Mount establishes an obvious sign to allow the faithful to recognize false prophets despite their deceptive appearance, as they would recognize a tree by its fruit, or discern good plants from bad. The corresponding commentary (treatises 99 and 100) sheds light on the importance of actions as manifestations of heresy by outlining how to recognize heretics from their deeds and words (*opera et verba*).[12]

We find ourselves before a parallel that is anything but casual between the intimate structure of Fournier's inquisitorial questionnaire and the deliberation on heresy that he formulated in the *Postilla super Matheum*. In the Pamiers inquests, religious convictions and behaviour are immediately identifiable as macro-categories of heretical identification, alternating in the questionnaire on the basis of the degree of doctrinal awareness of the accused and on the type of accusation. The centrality of these identifying categories is mirrored in Fournier's exegetical work, supporting the logical structure of those treatises that most engage in reflection on heresy. The organization of his thought through *divisio textus* that he adopted from the scholastic tradition arranges the three treatises examined by theme and according to the same guidelines that had directed the questioning of heretics in the judicial context.

11 "Et ideo sive aliqui fidem corrumpere velint, sive ad mala et perversa opera fideles inducere, arcendi sunt per magistros Ecclesie," Troyes 549, IV, fol. 318ra.

12 "Primo docet cavere fidei corruptores. Et quia tales ut in pluribus vestem pietatis et innocencie superinduunt ne faciliter cognosci possunt, ponit secundo evidens signum in quo magistri Ecclesie eos cognoscere | possint. Secunda ibi: *A fructibus eorum cognoscetis eos*," ibid., fols. 231ra–231rb.

6.2 False Prophets

While it begins a deliberation that continues in subsequent treatises too, treatise 98 is organized according to internal partitions and sub-partitions that, without losing sight of the marco-structural level, lead the exposition to the very heart of every single word. The Matt. 7.15 pericope is sub-divided into five sections that organize the logical development of Fournier's exegesis:

> Attendite // a falsis prophetis // qui veniunt ad vos // in vestimentis ovium, // intrinsecus autem sunt lupi rapaces.

Each section specifies some of the characteristics of heretics/corruptors of faith, and calls for a very scrupulous reaction on the part of defenders orthodoxy (*Attendite*) against their falsity (*falsitas*), injustice (*improbitas*), dangerousness (*dolositas*), and malice and cruelty (*malicia et crudelitas*). Their wicked and perfidious physiognomy is sketched out through two principal metaphors that recur throughout the entire exposition: heretics are assimilated now to ravenous wolves and now to false prophets of the Old Testament. Multiple and diverse images surround these two thematic nuclei in each section of the commentary so as to shed light in a clear, vivid and tangible way on the salient traits of the harm to orthodoxy. Granting attention to the logical development of the treatise, we will attempt to outline the essential traits of the complex profile of the heretic through the significance of these images.

Before moving on to this examination, however, it is necessary to first consider the identity of heretics to which the treatise is dedicated. Unlike anti-heretical *summae* and polemical treatises, the *Postilla* was not systematically aimed at particular sects of doctrinal errors. Therefore, it does not contain references to specific episodes involving heretics in Fournier's own time. 'Heretics' and 'heresies' are described in the commentary, rather, as meta-historical categories that are valid and applicable beyond the changing of contexts: adhering to the revealed word, they necessarily present a level of abstraction, so that one might glimpse the malign and threatening characteristics of all the sects of the past and the present. The author frequently retraces heresiarchs and heretical groups in their historical guise, but in order to support universally valid augmentations via the concrete, addressing sects of late antiquity (which are cited throughout patristic sources), figures such as Arnold of Brescia or Peter Abelard (who are mentioned throughout the writings of Bernard of Clairvaux), the Manicheans (whom Jacques Fournier encountered directly in the inquisitorial context, but who were more often described through the words of Bernard), and other heretics "of the modern period" (*moderni tem-*

poris), such as Joachim of Fiore and Peter of John Olivi. The threat they all represented to faith, to the Church, and to the salvation of the faithful gathers together false prophets and ravenous wolves in a continuum by means of Old Testament echoes that, in addition to emphasizing their metaphysical negativity, also render the urgency of repression all the more manifest.

6.3 "Beware of Heretics"

Centered on the analysis of the word *Attendite*, the first section of treatise 98 is aimed at identifying the subject and the object implicit in this imperative.[13] God speaks to all the faithful, but in Fournier's reading He addresses himself especially to doctors of the Church (*magistri Ecclesiae*, or *doctores catholici*) whose responsibility it is to monitor Christian doctrine. It is not difficult to identify in the *magistri*—theologians and exegetes of Holy Scripture—the ideal addressees of Fournier's commentary. In a context dominated by heated theological disputes, accusations and polemical attacks against the figure of John XXII, the Cistercian cardinal—an esteemed theologian of the curia—involves above all the *magistri* of the sacred page in the fight against pseudo-prophets. Their contribution should be aimed in two directions, that of knowledge and preaching, and that of example and behaviour. A series of binomials renders this double participation explicit: *vita et sciencia, lingua et vita, docendo vel doctrina vivendo*. Only the engagement of those who know and understand the meaning of the scriptures can protect the Church and the faithful from the hidden danger of heresy. According to Fournier, the contribution of theologically prepared ecclesiastics is a necessary condition for defending the system of orthodoxy.[14]

Having identified the addressees of divine admonition, the author proceeds to expound upon the profound reasons for the latter. The explanation of the imperative *Attendite* centres, then, on the particularity of heresy with respect to other sins, on the very function of biblical exegesis in the fight against heretics and, finally, on modalities of repression. Three answers, followed by the same number of *raciones*, structure the development of the exposition.

13 Treatise 98, chapters 1–11, ibid., fols. 231rb–242rb.

14 Ibid., fol. 231va.

> First question: Why does God admonish us to *beware* of heretics, rather than simply look at them[15]

Doctors of the Church must pay particular attention to the threat of heresy on account of the characteristics that distinguish heretics from other sinners, which Jacques Fournier carefully exposes. The most dangerous trap is constituted by the hypocrisy of heretics, who hide their deceptions behind a semblance of truth. As the treatise proceeds, the author reaffirms this particularity of the heretic's profile many times.

Heretics, he explains, differ from poets and philosophers by the very fact that, rather than openly declaring the pretence that subtends their words, they define themselves as Christians and they turn to Holy Scriptures to prove their errors. Because of this, it escapes simple folk that they have interpreted that which the Scriptures postulated otherwise and that heresy is anchored to their erroneous interpretation.[16] Even if referring to the holy text, heretics mix truth and falsehood so subtly that the two cannot be separated. They use a sweet and mellifluous language, circumlocutory sentences, and ambiguous words to mollify even the most wary listener. The evangelical passage thus reports the word *attendite* ("beware") in lieu of *aspicite* ("look at") or *videte* ("see,") Fournier explains, so as to encourage a scrupulous inspection of Scriptures and to protect them from the penetrating and imperceptible danger of error.[17]

Certain similes come into play to shed light on multiple aspects of the danger of heresy. Following the lesson of Augustine, Fournier equates heretics to lepers, who are afflicted by a visible infection of the skin that does not contaminate the physical strength nor the integrity of the senses. Similarly, he argues, truth and appearance become confused in heresy with the one no longer being distinguishable from the other.[18] The danger of becoming inadvertently

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15 "Ponitur prima racio quare Dominus precepit quod non solum simpliciter viderentur, set eciam quod diligenter attenderentur heretici et eorum dicta," ibid., fol. 231vb.

16 "[Heretici] periculosiores sunt fidelibus quam poete vel philosophi propter hoc, quia christianos se vocant et testimonia scripture ad suos confirmandos errores, licet incompetenter, accipiunt, propter quod faciliter fideles decipere possent nisi attenderentur," ibid., fol. 231vb.

17 "Ideo sunt heretici et eorum dicta diligenter consideranda, quia ipsi miscent subtiliter vera cum falsis ut verum a falso faciliter separari non possit et quia utuntur sermone ornato atque composito ut ex dulcedine verborum malum cum bono sit ab audientibus sumatur [*sic*]," ibid., fol. 232va.

18 Augustine of Hippo, *Quaestiones in Evangelium secundum Lucam* 40, PL 35: 1354, cited by Fournier on fol. 232va.

implicated in heresy is summarized in the metaphor of the web, in which the unprepared remain tangled and enveloped.[19]

Malicious and seductive, heretical doctrine also assumed the face of a comely and provocative prostitute who is shown attempting to seduce passers-by in the square [Prov. 7.10–14]. Harking back extensively to Bede, Fournier emphasizes the eloquence of heretics who, always in search of new followers, attempt to lure them with a mellifluous language that hides the dissolute aspect of their doctrine. He also intervenes to specify the simile featuring the image of finely painted Egyptian rugs [Prov. 7.16], which refer to the involution of language, to the tinselry of discourse, and to the guile of the art of dialectics to which heretics habitually resort.[20]

The seductive lure of an adulterous language, however, is not sufficient in and of itself to lead simple folk to error. To bolster the efficacy of their own words, heretics promise great rewards for those who listen to them, and terrible punishments for those who refuse their teaching; they are effectively aware that there is nothing more persuasive than love of the good and fear of evil.[21] Fournier clarifies the concept by introducing an example related to heretics of his own time. The Manicheans promise their believers salvation through the consolation (*consolamentum*), while they threaten those who do not lend their ear to them by saying that their souls will be forced to wander "from tunic to tunic"—that is, from body to body—being successively incarnated in the bodies of men and animals until they are damned.[22]

Other examples are drawn from the letters and sermons of Bernard of Clairvaux to illustrate the simulated sanctity of heretics, who portray as true

19 "Doctrina heretica dicitur esse quasi rethe, quo implicantur et involuuntur pedes eius nequiciam non advertencium," Troyes 549, IV, fol. 232vb.

20 Bede, *Super parabolas Salomonis allegorica expositio* 1.7, PL 91: 962b–964b, cited on Troyes 549, IV, fols. 232vb–233ra.

21 "Ut enim magis decipiant simplices, multa bona promittunt suis credentibus et auditoribus et multa mala comminantur illis qui eos audire nolunt (. . .). Nichil enim sic faciliter inducit simplices homines ad audiendum et credendum quecumque eis dicuntur sicut amor boni et formido mali," ibid., fol. 233va.

22 "Aliis autem comminantur maximas penas sicut patet in heresi manichea in qua heretici dicunt suis credentibus et amicis quod solum in fide eorum homines salvari possunt et quecumque crimina commiserint solum quod in fide per eos consolentur, statim per angelos portantur in celum ad patrem spirituum. Illi vero qui eos non audiunt nec credunt promittunt quod eorum anime egresse de corpore vadunt de tunica in tunicam, id est de corpore in corpus, non solum alterius hominis set et cuiuslibet animalis in quibus corporibus si non fuerint in eorum aliquo consolati in fine mundi ad infernum detrudentur," ibid., fol. 234ra.

martyrs those among them who are persecuted.[23] Through the reading of Bernard, the discussion turns to Arnold of Brescia and to Peter Abelard, who were associated through ambiguity and duplicity with figures of the false prophets of the Old and New Testament.[24] The same ambiguity and the same hypocrisy characterize the Waldensians; turning, once again, to the sermons of Bernard's *De erroribus haereticorum*, Fournier maintains—anachronistically—that the saint references these heretics in particular.[25]

Ambiguity, simulation, deception and malice thus characterize heretics of all ages. Fournier returns to analyze these distinctive traits in greater depth, but he immediately places the accent on the diversity of heresy with respect to other sins: measuring various grades of sin, the author equates heresy and infidelity, which he considers the most aberrant conditions. As he underscores, heresy and infidelity are much more grave than the other sins, because they drag behind them all other faults. If the murderer, the thief or the adulterer can be absolved by the keys of the Church, the infidel and the heretic—who refuse faith in Christ—cannot, by contrast, be absolved by any means.[26] Heresy is equivalent to death and destruction and it harms the faithful and the Church more than any other evil. It thus necessitates the conscientious intervention of the *magistri*; Fournier immediately analyzes their role and their responsibility in the fight against heresy.[27]

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23 "Hoc enim hereticorum proprium est quod sanctitatem quam non habent interius in exterioribus et in hiis que apparent simulent ut dum boni et iusti a simplicibus extimentur, forcius suam malam et perversam doctrinam imprimant in cordibus audientes [*sic*]," ibid., fol. 234va.

24 Bernard of Clairvaux, *Epistola* 196, in *S. Bernardi Opera*, 8: 51; *Epistola* 189, ibid., 8: 14; *Epistola* 193, ibid., 8: 44–45, cited by Fournier on fol. 235ra.

25 "Et sermone LXV, loquens de valdensibus hereticis [Bernardus] dicit (…). Et sermone LXVI, loquens de eisdem, dicit (…)," Troyes 549, IV, fol. 235rb. Cf. Bernard of Clairvaux, *Sermones super cantica canticorum, Sermo* 65, in *S. Bernardi Opera*, 2: 172–7 and *Sermo* 66, ibid., 2: 178–88.

26 "Heresis autem inter omnia peccata plus nocet ei in quo est. Est enim tale malum quod nullum malum peccati eo in corde existente relaxari potest, cum sit peccatum tantum et tale quod omnia peccata retinet, ne relaxari vel solvi possint, quod de aliis peccatis verum non est. Homicidium enim et furtum et adulterium | et cetera peccata, dummodo fides integra maneat in illo qui ipsa commisit, per claves Ecclesie solvi possunt. Sola autem infidelitas et heresis omnia talia peccata et eciam ipsa se ipsam sic ligat, quod de nullo peccato infidelis vel hereticus absolvi potest," Troyes 549, IV, fols. 235vb–236ra.

27 "Heresis animarum multarum mors et destructio est," ibid., fol. 236va; "Et quia ex eorum doctrina et scriptura gravissima mala tam eis quam Christi fidelibus et toti Ecclesie provenire possunt, idcirco Dominus volens loqui de heretici preponit *Attendite*, id est diligenter

> Second question: Why has God allowed heretics to come against the Church?[28]

The second question investigates the causes of the coming of heretics against the Church. Fournier places at the centre of the exposition the problem of the origin of heretical evil and the role of the *magistri* in combatting it. The biblical archetype of the wolves and the shepherd furnishes a first answer. The entry of wolves into the Lord's fold results in the shepherds of the Church fulfilling their function of guarding and supervising with greater care. When there is no fear of danger, the faithful behave more poorly and the shepherds are less diligent and astute in correcting them. The threat that wolves represent for the entire flock of the Lord thus has a positive value, since they push ecclesiastical authorities to monitor with greater attention:

> The Lord permitted heretics to come against the Church so as to stimulate the minds of the shepherds of the Church and of other masters of the Church so that they dedicate themselves with greater attention to the exposition of divine Scripture and resolve the contradictions that it seems to contain. Once these apparent contradictions are resolved, divine Scripture—having been explained correctly and in various ways—will thus possess greater force in defending the faithful against all heresies and all errors.[29]

Heresy is useful (*utilis*) since it inspires in Church doctors the desire to study and to explain the Scriptures, unlocking their hidden meaning and resolving their apparent contradictions. Biblical exegesis thus amounts to an opportune and proper anti-heretical response: since heretics turn to the Scriptures to prove their errors, it is necessary for doctors to counter these errors with study and with correct interpretation of the divine word. This way, in theological debates, the masters will always be capable of opposing the new proofs

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et studiose tam hereticos quam eorum verba et scripturas advertite et discutite, ne per eos tot mala possint pervenire," fol. 237ra.

28 "Ponitur questio quare Deus permittit venire hereticos contra Ecclesiam, cum per eos gravia mala Ecclesie fiant," ibid., fol. 237ra.

29 "Dominus permisit venire hereticos contra Ecclesiam ut pastorum Ecclesie et aliorum magistrorum Ecclesie mentes excitaret ad attendendum diligencius exposicionibus divinarum scripturarum et ad solvendum contrarietates que in eis posite videbantur et sic, divine scripture recte et multipliciter exposite et contrarietate que in eis esse videbatur sublata, plus valeant | ad defensionem fidelium contra omnes hereses et errores," ibid., fols. 238rb–238va.

and reasonings of heretics, entrapping them as hunters do to fox.[30] In parallel to the repressive action of ecclesiastical courts, which are codified in the passages of inquisitorial procedures, the study and interpretation of the holy text define the solely doctrinal area in which the errors of heretics are isolated and combatted. The role of *doctores* is to vanquish heresy through doctrinal knowledge by opposing truth to error. As the career and the work of Jacques Fournier attest, the activity of the theologian-exegete and that of the inquisitor are manifestations of a complementary undertaking deployed by the Catholic Church in defense of orthodoxy.

One can add to this commonality of objectives yet another response to the question of why God has permitted heretics to come against the Church. The goal, Fournier adds, is to show heretics the benevolence and love of the Church, which desires to lead even its worst enemies to truth.[31] The inquisition and the exposition of scriptures are thus aimed at one shared goal: to recover—within the unified ecclesiastical body—those who have distanced themselves from it. Just as recantation closes the inquisitorial trial with a solemn act of reconciliation, so too does exegesis of the divine word ultimately aim at the conversion of heretics. That which follows the third question is a true exposition of the procedure that doctors of the Church must follow, step by step, in confrontations with heretics. As we will see, the intersections between the role of inquisitors and that of Church doctors are clarified in this passage in an even more obvious way.

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30 "Cum eciam quia scripture divine diligenter per studiosos discusse sunt, | manifeste apparuit quod si heretici volunt dissolvere unum testimonem contra eos prolatum per catholicos, statim catholici impromptum habent opponere eis aliud testimonium scripturarum et sic eorum ora opinant ut non possint suum errorem palliare vel defendere, quia ex multis testimoniis scripturarum clare confunditur eorum error (. . .) ut exitum habere non possint. Assimilantur enim heretici vulpibus, que faciunt duo vel plura foramina in caverna sua, ut si venatores ipsas capere velint immittendo fumum vel aliquas bestias venatorias per unum foramen, ipse per aliud possint exire, et sic venatores deludunt. Set venatores hoc scientes solliciti sunt, antequam ipsas de caverna eiciant, precludere foramina caverne excepto uno, ut sic non habentes exitum, vel moriantur in caverna, vel si de caverna egrediantur, capiantur," ibid., fols. 239ra–239rb.

31 "Deus permittit hereticos venire contra Ecclesiam ut ostendatur Ecclesie benivolencia et caritas, cum eos diligit a quibus tot male et tot pericula per eorum nequiciam et fraudulenciam suscipit (. . .). Ex quo contigit quod doctores catholici hereticos a divina scriptura et fide aberrantes quantum prevaluerunt ad veritatem fidei reducere voluerunt," ibid., fol. 239vb.

> Third question. Why heretics are not to be executed at the outset, but one must follow a procedure to correct them, and lastly—when their obstinacy in error is manifest—they must be annihilated if they do not allow themselves to be corrected?[32]

How ought one to behave towards heretics? The commentary of the *Attendite* passage cannot leave a question like this out of consideration, since the Lord does not order doctors of the Church "to bring down" heretics (*perdere*), but rather to "beware" of them (*attendere*).[33] Fournier's answer introduces an open theorization of anti-heretical procedures in which he draws a direct connection between the theoretical contribution of biblical studies and the *modus operandi* of ecclesiastical courts. While he examines the most apt ways to combat heretics, the theologian—who had already served as the bishop-inquisitor of Pamiers—formalizes the link between inquisitorial and theological commitment in the fight against heresy through a long digression on procedures to be followed in dealing with heretics. He outlines the paths that lead from persuasion to coercion, highlighting, at last, the necessity of recourse to physical punishment and to capital judgement.

The author considers it inopportune to turn to corporal punishment at the outset, arguing that one ought, rather, to exhort heretics to resolve their sophistries and to recognize their errors. Violence, Fournier observes, cannot effectively influence the will of another man, and heresy cannot be eliminated through corporal punishment:[34]

> Indeed, many people who cannot stand pain and sadness state that they believe what they do not believe and claim that they want to return to

32 "Quare heretici non statim a principio sunt occidendi, set ordo debet teneri in eorum correctione et tandem, quando eorum obstinatio in errore est manifesta, sunt exterminandi si se corrigere non velint," ibid., fol. 240vb.

33 "Est autem attendendum quod hic Dominus rectoribus Ecclesie de hereticis non dixit eis quod hereticos punirent vel perderent, set quod attenderent | se ab eis," ibid., fols. 240vb–241ra.

34 "Heretici enim non statim a principio sunt penis corporalibus puniendis, set primo agendum est cum eis et exhortando et disputando et eorum sophismata solvendo, ut ipsimet suum errorem cognoscant, ne eorum anime pereant. Cum enim violencia non possit inferri voluntati alterius hominis, nec illud quod in eius voluntate positum est possit per coactionem per alium hominem ab eo removeri, idcirco cum heresis sit sensus voluntatis in errorem firmatus, non potest per penas corporales ab homine auferri, nisi illas penas acceptet et acceptando a peccato resiliat," ibid., fol. 241ra.

> the faith they hate in their hearts, and for this reason they should not be made fearful at the outset.

Accordingly, one should first attempt persuasion and disputation, instructing the heretic "as a friend" and not "as an enemy" and showing him his mistakes in such a way that—not knowing how to respond—he abandons his own ill-conceived error:

Prior to the first or second correction or admonition, heretics should not be avoided like enemies, but rather educated and instructed like friends and familiars—something that would not be possible if their errors were not carefully pondered. For this reason, the Lord initially admonishes the doctors of the Church to beware of heretics, so that they may carefully examine their errors and prevent them from corrupting simple folk, and at a later stage—after having carefully examined these errors in the light of divine scriptures—they may correct and amend them.

This does not preclude, however, the gradual shift towards a more severe response in cases where the initial corrections and admonitions fail:

> If they refuse to accept true doctrine, however, then they must be struck with spiritual sufferings like excommunication and anathema, and removed from the unity of the faithful and participation in sacraments.

The failure of spiritual sufferings to result in the conversion of heretics would eventually render recourse to corporal punishments legitimate and necessary. Fournier defines the procedure for dealing with heretics in the *Postilla* in a manner not unlike the one found in inquisitor manuals as far as he openly formalizes the need to annihilate heretics. It is necessary, he explains, to prevent the further spread of error:

> However, if the heretic refuses to abandon his own error after this too, then he must receive a harsher correction, be it through words or blows. (. . .) | If the seriousness of the words does not suffice, one must also add blows and imprisonment, and eventually—when none of the above suffices to obtain salvation he must be annihilated to avoid his further ruin and that of others.[35]

35 "Quia ergo homo magis mansuetudine et beneficiis a malo in quo voluntarie est retrahitur quam terrore, ideo ut heretici a suo errore voluntarie retrahantur, cum mansuetudine et pietate persuadendo, exhortando, ligamenta quibus eorum animus tenetur in errore dissolvendo tractandi sunt, ut sic de eorum vera conversione magis Ecclesie constet quam

Once he has demonstrated the crucial role of biblical exegesis in the fight against heresy, it is through this very interpretation of the Bible that Fournier legitimizes the entire procedure for repressing it. Through the intellectual mediation of the exegete, the persecution and even physical annihilation of the unrepentant appear founded on the word of God; because they rest on the Holy Scriptures, every repressive action becomes legitimate and necessary thereby.

Opening the long treatise dedicated to Matt. 7.15, the exposition of the word *attendite* immediately guides reflection upon a few principal directives. Illuminating some characteristic traits of the physiognomy of the heretic, Fournier identifies the doctors of the Church above all as the addressees of the call. Fournier then challenges himself to identify the causes of the attack of heretics against the Church and to explain the reasons for which God made it possible. This consideration permits him to clarify the function of biblical exegesis itself as a pillar of the fight against heresy. Lastly, the meaning of the verb *attendite* guides his commentary on the ways to respond to such a threat and structures the subsequent passages on anti-heretical procedure. This section of the commentary calls directly into question the qualification of the defenders of the Church and of their antagonists, as well as the causes, the end and the means of their actions. In the following passages, Fournier examines in greater depth the characteristics of heretics, whom he progressively lays bare by availing himself of metaphors and similes rich in meaning.

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si per terrorem eos a principio ad veritatem reduceret. Multi enim homines dolores et tristicia non ferentes dicunt se credere quod non credunt, et dicunt se velle ad fidem redire quam in suo corde detestantur et ideo non statim et a principio terrendi sunt. (…) Unde si *post primam et secundam correptionem vel admonitionem hereticus est devitandus* [Titus 3.10], ex tunc per disputacionem vel dubiorum solutionem non est agendum cum eo, quia inutiliter fieret, cum manifeste appareat eum suum errorem per contencionem velle defendere. Ante eciam primam vel secundam correptionem vel monitionem non est devitandus ut hostis, set docendus et erudiendus ut amicus et domesticus, quod fieri non posset nisi diligenter eius error perpenderetur, propter quod Dominus primo monuit doctores Ecclesie ut hereticos attenderent, ut scilicet eorum errore attento simplices ab eis averterent ne corrumperent eos, et deinde eorum errore attento | et diligenter considerato, ab eorum mente per divinas scripturas quam possent dictum errorem in eis corrigerent et emendarent. Si vero nollent doctrine vere acquiescere, tunc per penas spirituales sicut sunt excomunicacio et anatema eos confunderent, eos ab unitate fidelium et participacione sacramentorum removendo (…). | Si vero nec sic hereticus ab errore concepto velit resilire, tunc durior correptio in eum excerceri debet et verborum et verberorum (…) | Si vero verba dura non sufficiant, eciam verbera et carceres sunt adhibenda et tandem, quando nichil omnia supradicta ei proficiunt ad salutem, exterminandus est ne se et alios magis perdat," ibid., fols. 241rb–242ra.

6.4 Falsity

The exposition invites a close examination of the relations and concordances between the Old and New Testament, thus necessitating recourse to a typological exegesis aimed at identifying in the Old Law people and events that prefigure Christ or the Church, or in the negative, their enemies.[36] Along this line, Fournier attemps to establish a direct correlation between prophets—real and false—of the Old and New Testament, identifying in them resemblances and shared elements. Such a comparison permits him to bring to light the first characteristic of heretics of the Christian era: falsity (*falsitas*).

Why are heretics called "false prophets"?[37] The exposition is structured in four responses to this very question that illustrate the diverse aspects of heretical falsity and reaffirm, for each one, the agreement between the Old and New Testament. First, Fournier highlights how the comparison in antiquity of true and false prophets is renewed in the evangelical antithesis between apostles and pseudo-apostles: the latter are heretics—the false prophets of the new law who attempt to distort the precepts of God.[38] Falsity constitutes the fundamental attribute of their disguising themselves as apostles of Christ.[39]

The second reason for which heretics are called false prophets, by contrast, sheds light on their adversaries—in new as in ancient times. As the false prophets of the Old Testament pursued the true prophets, so heretics pursue, defame and threaten the doctors of the Church. This double antinomy is based, once again, on the contrast between truth and falsehood, and it directly connects

36 On this topic, see also Gilbert Dahan, "Les 'figures' des Juifs et de la Synagogue: l'exemple de Dalila. Fonctions et méthodes de la typologie dans l'exégèse médiévale," *Recherches augustiniennes* 23 (1988): 125–50.

37 "Quare heretici vocantur falsi prophete," Troyes 549, IV, fol. 242rb.

38 "Sicut enim in veteri testamento fuerunt veri prophete qui Dei voluntatem et secreta divina populo in veritate annunciaverunt et sacram scripturam veteris testamenti prout a Deo fuerant inspirati populis tradiderunt, fuerunt eciam falsi prophete a dyabolo seducti qui fidem et iusticiam in populo Iudeorum conati sunt corrumpere; ita et in novo testamento fuerunt veri apostoli et doctores qui fidem et iusticiam populis predicaverunt et docuerunt, fuerunt eciam falsi prophete et doctores qui fidem christianam et opera iusticie in fidelibus corrumpere conati sunt," ibid., fol. 242rb.

39 "Et sic heretici fidem Ecclesie corrumpendo virginitatem Ecclesie, que in sincera fide consistit, corrumpunt. *Huiusmodi eciam pseudoapostoli sunt operari subdoli sub specie religionis decipientes, transfigurant se in apostolos Christi*, exterius ostendentes se esse apostolos Christi. *Et hoc non est mirum, ipse enim Sathanas* qui est caput eorum *transfigurat se in angelus lucis* [2 Cor 11:13–14]," ibid., fol. 242va.

the persecutions experienced by true prophets to those imposed on masters of the Church.[40]

The third reason probes the intent of pseudo-prophets to its very roots so as to stress how they remain unchanged in time. Fournier observes that is was because of their pride, avarice and ambition that pseudo-prophets of the Old Law wanted to make other men believe that they had surpassed their cognitive abilites and possessed a prophetic cognition that permitted them to see the future in advance and to contemplate God. The error of heretics grows from the same roots: "mendacious masters" spread false doctrine to indulge their own vainglory and cupidity, to be deemed more intelligent than others, to make money, and to place themselves in a position of predominance.[41]

The fourth reason permits Fournier a brief but meaningful digression on false prophets "of modern times." His recourse to this sobriquet to qualify heretics is due, the commentator observes, to the fact that

> Many of them, especially in our time, attempt to predict the future to appear great before God. Their falsity is discovered, however, either when that which they had predicted does not come true, or when they say something that goes against that which is openly contained in divine scripture.[42]

The outcome of the prophecies thus becomes the very measure of truth, sincerity and prophetic ability or, vice versa, of falsity, vainglory, and deceit. Even more than the eventual coming true of the prediction, a proof of the truth or falsity of the words of prophets resides, according to Fournier, in their consistency with divine Scripture: that which contradicts Scripture, in effect, can only be false.

To better illustrate that which was said, Fournier inserts some examples of men who had made false predictions in the past and in the present. He counts Montanus and the two prophetesses among them, and he does not overlook

40 "Quia sicut falsi prophete veteris testamenti vel dolo vel aperta persecucione veros prophetas usque ad mortem persecuti sunt, ita et heretici veros doctores Ecclesie prosequuntur," ibid., fol. 242vb.

41 "Quia sicut in veteri testamento ex radice superbie vel avaricie aut ambitionis aliqui se fingebant prophetas cum non essent, eodem modo ex predictis radicibus orti sunt heretici in novo testamento," ibid., fol. 244ra.

42 "Plures eorum, maxime temporibus nostris, futura predicere conantur, ut ex hoc magni apud Deum esse videantur, quorum tamen falsitas detegitur vel quoniam non evenit illud quod predixerint esse futurum, vel quoniam aliquid dicunt contra illa que aperte in scriptura | divina continentur," ibid., fols. 245rb–245va.

the figure of Muhammad. What is interesting is the allusion—which is anything but frequent in fourteenth century commentaries—to a few heretics of his own time: Joachim of Fiore and Peter of John Olivi—the only ones named alongside "many others" (*multi alii*) who called themselves prophets and who made many heresies appear true. And yet, Fournier reaffirms, the falsity of their prophecies was quickly revealed by a double proof: they did not in fact come true, or they contrasted with the divine word.[43]

While the story of Montanus is reported in detail, the figures of Muhammad, Joachim of Fiore and Peter of John Olivi only seem to merit very brief mention. It is perhaps elsewhere that we might find a more detailed handling of the "false prophecies" by Olivi that is also based on a reading of the abbot of Fiore's writings. As mentioned in Chapter 5, a long opinion on the *Lectura super Apocalypsim* was composed by Fournier for Giovanni XXII.[44] In this text, Olivi's and of Joachim of Fiore's falsity seems to be proved by fact that their previsions did not come true. According to the author the outcome of things cannot but confirm that the two thinkers were not prophets of God (*prophetae Domini*), but rather prophets of error (*prophetae erroris*).[45] One of the passages used by Fournier against Olivi is taken from the book of Ezekiel and it refers to insipient prophets who, like fox in the desert, follow their own spirit but do not see anything.[46] This same passage also appears in Jacques Fournier's *Postilla super Matheum*, where it follows by little the reference to Olivi and to Joachim of Fiore.[47] It is striking how Fournier does not pause for long on

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43 "Et sicut iste Montanus et mulieres eius se esse prophetas finxerunt, ita et multi alii heretici sicut Machometus et sicut eciam temporibus nostris abbas Ioachim et eius discipulus Petrus Iohannis Olyvi et multi alii et quasi pro maiori parte omnes heretici qui circa tempora nostra novas hereses confinxerunt se prophetas esse dixerunt. Set eorum iniquitas sibi mentita est, quia in omnibus suis propheciis vel pocius divinacionibus inventi sunt mendaces, quod manifestum signum est quod non spiritu Dei prophetico, set spiritu dyaboli deceptorio illa predixerunt," ibid., fol. 245vb.

44 See Chapter 5, 156, n. 18.

45 "Cum igitur isti duo, scilicet Joachim et P. Johannis, inter se multum discordant in supradictis, eventus etiam rerum manifeste hostendat eos falsum dixisse, cum non eveniret illud quod predixerunt in tempore vel circa tempus per eos prefixum, clarum est eos non esse prophetas Domini sed prophetas erroris," Avignon, Bibliothèque municipale 1087, fol. 222rb.

46 "*Vae prophetis insipientibus qui sequuntur spiritum suum et nichil vident!* [Ezekiel 13.3]. *Vident vana et divinant mendacium dicentes: 'Ait Dominus', cum Dominus non miserit eos et perseverabunt confirmare sermonem* [Ezekiel 13.6], signum enim evidens est quod [Ioachim et Petrus Iohannis] prophete falsi fuerunt et non missi per Deum qui veritas est, cum in omnibus predictis suis dictis falsum dixerint et a se ipsis discordaverint," Avignon, BM 1087, fol. 222ra.

47 Troyes 549, IV, fol. 246ra.

the false prophets of his own time within his commentary, the organization of which rarely leaves space for overly in-depth digressions on a specific text, doctrine or individual. As revealed earlier, similar references rely, for the most part, on scriptural or patristic citations, which support and corroborate the author's line of argument through concrete examples. In this context, Fournier need only mention the names of Joachim of Fiore and Peter of John Olivi, placing them near to that of Muhammad. The complex composition of the treatise itself clarifies the meaning of this reference.

6.5 Improbity

Fournier establishes from the outset of treatise 98 that the words *qui veniunt ad vos* denote the improbity (*improbitas*). How was this term understood in reference to heretics? The meaning of the word is gradually specified within chapters 18–24,[48] where it becomes enriched with diverse facets that connote more precisely the characteristics and implications of the threat of heresy, as the author sees them.

Further deconstructing the passage in question, Fournier dedicates the first eight pages to the word *veniunt* ("they come") and subsequently analyzes the significance of the expression *ad vos* ("to you"). He observes that the verb *veniunt* has a subject—the false prophets—but not an agent: they "come" but they are not "sent." This distinguishes the false from the true prophets: the latter preach and prophesy only if they are invited by God, while the former are driven uniquely by their own pride. The contrast between those who come and those who are sent pivots on the theme of obedience and humility with respect to a higher will, thus investing these values with the fundamental distinction between orthodoxy and heterodoxy.[49]

Fournier adds mendacity (*mendacitas*) to further qualify the heretic's improbity. Those who come sent do not say something of their own, but report the words of the sender. And since God is truth, those who are sent by Him, cannot but speak the truth, while the others are false and mendacious, following

48 Ibid., fols. 248rb–254rb.

49 "Ita temeraritas | et superba presumpcio ostenditur quando talia officia non imposita ab eo qui potest usurpantur, vel superba mente quis exequatur quod Dominus insinuavit cum dixit quod *falsi prophete veniunt ad vos*," ibid., fols. 249ra–249rb. Citing the same passage of the Gospel of Matthew, Alain de Lille constructs a similar reasoning with reference to the Waldensians—false prophets of his time who preach without having been sent (*non missi*), cf. *Contra haereticos libri quatuor* 2.1, PL 210: 377–80.

their own lying spirit and the spirit of the Devil.[50] That is not all: the decision to abandon the doctrine approved by the Church also derives from vainglory (*vanagloria*). Driven by the desire to appear more intelligent than others, heretics are prepared to distance themselves from that truth and propose their own doctrine.[51] Probing deeply the meaning of their coming without having been sent, Fournier is able to specify new distinctive elements of heretics as messengers of themselves rather than of the Lord, and hence presumptuous, mendacious, and vainglorious.

The further development of the treatise clarifies that heretics also stand out for the essentially malicious intent of their arrival.[52] Fournier brings their malicious intentions into focus by drawing upon a semantic field well-known to commentators of Scripture and by thoroughly analyzing the metaphor of the faithful/sheep of Christ. Heretics, Fournier observes, are comparable to thieves and brigands since they seize flocks that do not belong to them but rather to Christ. Evoking the words of Augustine on the heretics of his own time, he adds that hesiarchs do want to leave their own mark on the faithful by imposing their own name on them, such that they are not said "Christians" from Christ, "but [rather] Arians from Arius and Sabbelian from Sabellius and Manichean from Manichaeus."[53] As it emerges from the passage *veniunt ad vos* ("they come to you,") heretics accomplish this theft with the most cruel of intentions: they do not steal the Lord's sheep to render them better, but rather

50 "Dicuntur autem heretici venire et non missi esse primo ut ostendatur quod ipsi falsi et mendaces sunt, quia inter illum qui mittitur et illum qui per se venit differencia est. Ille enim qui ab alio mittitur non dicit aliquid de suo, set solum dicit illa que ei imposita sunt a mittente, unde si quis a Deo mittatur, cum non dicat nisi illud quod Deus ei iniunxit, Deus autem non possit alicui iniungere quod ex parte eius dicatur nisi verum, cum ipse sit veritas, idcirco ille qui a Deo mittitur non nisi verum et illud verum quod Deus ei imposuit dicit," Troyes 549, IV, fol. 249rb.

51 "Et quia heretici super alios volunt apparere ut gloriosi esse videantur, communem doctrinam quam sacra scriptura tradit et eius exposicionem tam per Ecclesiam quam per sanctos approbatam, propter quod et catholica id est communis doctrina vel locutio dicitur, dimittens, novas exposiciones ut suas confictas opiniones per illas possint ostendere imperitis de corde suo adinveniunt, recedentes a communi doctrina Ecclesie ut sic intelligenciores aliis hominibus esse videantur," ibid., fol. 250ra.

52 "Tercio per hoc quod Dominus dicit hereticos per se venire et non missos esse a Deo denotat eorum malignitatem et perversam intencionem quam habent nocendi fidelibus qui sunt Christi oves," ibid., fol. 251va.

53 Augustine of Hippo, *In Joannis Evangelium tractatus CXXIV* 123.5, PL 35: 1967, cited by Fournier on fols. 251va–251vb.

to kill them by extinguishing the Catholic faith in their hearts.[54] Their malice finds expression in a new metaphor drawn from Augustine's exegesis of the Gospel of John: those who destroy the Church are not doves but vultures distinguishable by the violence with which they pursue the faithful.[55]

Nor is the perfidy of heretics limited to the present age. It is aimed, rather, at drawing the faithful towards eternal damnation. "It is not enough for the heretic to steal the sheep of the Lord and then to kill them:" he also aims to exclude them from eternal glory and from the vision of God. With this goal, heretics seek to act such that their followers choose to die in the heretical faith. Once again Fournier illustrates his point by alluding to a heresy of his own day that he combatted tenaciously during his time as bishop of Pamiers. The modern Manicheans impart the *consolamentum* to their followers upon impending death so that they perish in the heretical faith. Their souls will thus always remain foreign to the glory of God and will incur eternal perdition.[56]

This acceptation of improbity, which denotes the malicious intent of heretics, is at last confirmed by the literal exegesis of the passage in question too. It is said that heretics come *ad vos* with the preposition *ad* assuming the meaning of *contra* ("against") or *adversum* ("set opposite") to indicate their intention to send the faithful to perdition.[57] When *ad vos* is understood as *ad societatem vestram* ("against your fellowship,") the subtle perfidy of heretics emerges

54 "Non sufficit autem hereticorum malicie quod sint fures ovium Christi, set quod gravius est oves Christi quas furati sunt mactant, cum in eis fidem catholicam ex qua iustus vivit occidunt (. . .). Principaliter hereticorum intencio est fidem catholicam in corde suorum auditorum mactare et interficere, ut suam perfidiam in ipsis possint introducere," ibid., fol. 252va.

55 Augustine of Hippo, *In Joannis Evangelium tractatus CXXIV* 5.12, PL 35: 1419, cited by Fournier on fol. 252va.

56 "Non sufficit autem heretico quod *furetur* oves dominicas et postea eas *mactet*, fidem christianam in eis perimendo dum in hoc presenti seculo vivunt, nisi eciam eas *perdat* [Io. 10,10], id est a vita glorie et a Dei visione excludat. Unde et circa finem hominum per eos in fide corruptorum maxime solliciti sunt ut in perfidiam in qua eos posuerunt moriantur, unde et manichei, ut possint aliquem hereticare circa mortem, omnem laborem libenter sustinent et preparant ut antequam moriantur eos consolentur. (. . .) faciunt eos suas animas perdere, id est a vita et gloria Dei alienas esse, que alienatio proprie dicitur anime perditio," Troyes 549, IV, fol. 253va.

57 "Unde Dominus volens suos fideles istos diligenter cavere dixit *Attendite a falsis prophetis qui veniunt ad vos*, id est vel 'contra vos' vel 'ad vos,' id est 'ad societatem vestram.' Accipiendo autem 'ad vos' primo modo tunc litterale, 'ad' tenetur pro 'contra,' quia scilicet *veniunt ad vos* ut furentur et mactent et perdant. Preposicio enim 'ad' frequenter significat 'adversum' vel 'contra,' quia adversum oves vel contra oves, non pro ovibus veniunt," ibid., fol. 253vb.

better: they approach the faithful—and the simple folk, in particular—attempting to seduce them, to corrupt them and to divert them from the path that leads to salvation.[58]

6.6 Guile

Analyzing the passage *in vestimentis ovium* ("in sheep's clothing,") the author concentrates on the way in which heretics introduce themselves to the faithful, shedding light on the guile (*dolositas*) of pseudo-prophets, who deceive Catholics by presenting an external semblance of sanctity.[59] Harking back to Augustine and to Cassiodorus, the author observes that in its literal meaning the term *dolus* indeed signifies to do one thing while feigning another, deceiving someone so as to lead them to harm.[60] This is the predisposition of all heretics, who deceive the faithful by hiding their perfidy behind a goodness that is true in appearance only. Their simulated sanctity finds its summary in the biblical image of the ravenous wolf disguised as a sheep. If the semantic field is still one that opposes wolves and sheep, the disguise of the former as the latter effects a reversal of the metaphor that profiles the criminal and fraudulent intentions of heretics even better. Fournier specifies more precisely that heretics effectively assume a semblance of simplicity, docility and sanctity so as to better deceive the faithful. They indeed posses the same "natural industriousness" as wolves, who slink into the folds by brushing their stomach against the ploughed earth to better conceal themselves and by approaching against the wind so as to mask their scent from the sheep or the dogs, preferring the shadows and fog so that they are not seen from afar.[61]

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58 "Vel dicuntur *venire ad vos* ex eo quod multum solliciti sunt ut fideles Christi ad suam infidelitatem et perfidiam pertrahant. Nolunt communiter stare nisi ubi sunt fideles simplices quos se posse decipere confidunt," ibid., fol. 253vb.

59 "Sequitur *veniunt* inquit *ad vos in vestimentis ovium*, ubi ponitur eorum simulata dolositas," ibid., fol. 254rb.

60 "Dolus grammaticaliter significat aliud agere vel dicere et aliud simulare, set proprie dolus tunc dicitur quando quis scienter alienum operari nititur excicium," ibid., fol. 254rb.

61 "Ut ergo heretici plus decipere catholicos possint, habitum simplicitatis, mansuetudinis et sanctitatis assumunt ut sic eorum dolositas tegatur, sicut si lupus haberet racionalem industriam et suam ferocitatem contegere posset ne ab ovibus cognosceretur, libenter assumeret et superindueret se veste ovina, ut eius malignitas non cognosceretur. Unde et faciens quod potest, naturali industria ductus, ut possit oves rapere, ut in pluribus non venit ad ovile erectus, set ventrem trahens per terram et maxime quando invenit terram aratam subnigram vel quasi griseam sicut est pellis eius, abscondite venit ad ovile ut non

Heretics hence behave like wolves assuming the guise of sheep. First, they pretend to be good Christians so as to deceive the simple folk. It is again the example of heretics from his own time that allows Fournier to clarify the concept: the Manicheans disguise themselves as true Christians, calling Christians and good Christians those who allow themselves to be received into their sect.[62] Fournier again employs the case of Manicheans, illustrating in a tangible way the contrast between a good-natured and innocent appearance and a malicious and cruel true nature. That the ovine semblance essentially alludes to a simulated innocence is illustrated by the properties of the animals in question: sheep and lambs are indeed the most inoffensive of all the quadrupeds, being without teeth, beaks, claws and horns, just as among the birds the most innocent are the doves.[63] The Manicheans do not even kill animals, believing that this constitutes a sin equivalent to assassination, but their dissimulated perfidy is betrayed by the fact that in reality they invite their believers—through allusions and symbolic words—to murder the Catholics who denounce and pursue them.[64] Throughout the letters of Bernard, the same ambivalence is observed in the figure of Arnold of Brescia. Fournier had previously employed this cited passage in which Bernard juxtaposes the mellifluous words of the heretics to their poisonous doctrine and the head of the dove to the tail of the

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cognoscatur, quia quasi corpus eius sulco occultatur et ex colore terre eius color non cognoscitur vel discernitur. Et sic improvisus venit ad oves, adhibet eciam aliam dolositatem, quia ut in pluribus non venit per illam partem qua flat ventus, set per contrariam ut ventus non possit defferre ad oves vel canes odorem ferocitatis eius et sic, ad ovile ovium veniendo, dolos adhibet quos potest. Tempore eciam obscuro vel nubiloso aut caloginoso venit ad oves ut non possit previderi antequam venerit," ibid., fol. 254vb.

62 "Dicuntur autem heretici venire contra oves Christi *in vestimentis ovium* primo ut ostendatur quod sub nomine christiano veniunt (…), ut sic magis christianos decipiant. In tantum enim se esse christianos dicunt, quia nullum alium simpliciter christianum extimant nisi se ipsos et sibi consimiles, ut patet in secta manichea, quia consolati apud eos christiani et boni christiani vocantur," ibid., fol. 255rb.

63 "Inter animalia enim quadrupedia magis innocens dicitur totum genus ovium, in quo genere sunt magis innocentes oves et agni quam arietes vel eciam mutones castrati. Duo enim genera animalium multum reputantur et sunt innocencia, scilicet in genere avium columba et genere quadrupedium ovis, quia nec dente vel rostro lacerant, nec unguibus vel cornibus ferunt," ibid., fol. 257ra.

64 "Unde et manichei qui conscienciam faciunt si aliquid animal non generatum ex putredine | occiderent vel occidi mandarent, putantes se eque peccare dicta animalia occidendo ac si homines interficerent, crudelitate tamen contra catholicos infamantes mandant credentibus suis per verba simbolica quod catholicos interficiant, et maxime illos qui eos detegunt aut eciam persequuntur," ibid., fols. 257va–257vb.

scorpion. The treatise indeed relies on the support of *auctoritates* in a superabundance of citations that are at times repetitive.[65]

Lastly, the author connects the sheep's clothing mentioned in the evangelical passage with the notion of martyrdom. Heretics demonstrate a patience that often makes them appear as true martyrs, who are traditionally represented as sheep in medieval Christian symbolism.[66] But there is nevertheless a profound difference, Fournier observes and concludes, between true patience—a virtue that leads to glory—and false patience, which leads to damnation. Even though heretics are forced to tolerate many sufferings, they only possess the second kind, thus distinguishing themselves from true martyrs of Christ.[67] The gap between true and false martyrdom closes Fournier's deliberation on the guile of heretics that is recognized with difficulty by simple folk.

6.7 Malice and Cruelty

Among the numerous properties that characterize heretics, one above all—the most dangerous of them all—is examined in the final section of treatise 98: rapacity (*rapacitas*)—the only characteristic that the Lord uses to designate the inner nature of wolves disguised as sheep ("inwardly they are ravening wolves.")[68] Fournier examines once again the various meanings of the term and sets about demonstrating the fundamental differences between false and true prophets.

The linchpin of the narrative is again the contrast between the "simulated innocence" and "innate cruelty" of heretics: rapacious wolves stand out immediately for their "malice" and "cruelty"—terms that, if they do not coincide

65 Cf. *supra*, n. 24.

66 "Sicut veri fideles, virtute paciencie corroborati, gaudenter vel equanimiter tolerant persecuciones et mortes gravissimas pro fidei defensione, ita et heretici animo obstinato pro defensione sui erroris sustinent persecuciones et mortes (. . .), ut ex hoc apud alios hereticos et credentes gloriosi sicut veri martires estimentur. Inter animalia enim pacientissimum animal in tribulacione constitutum ovis est," Troyes 549, IV, fol. 258va.

67 "Distinguitur de paciencia vera que virtus est et falsa que vicium est et non est digna nomine paciencie, ut ostendatur quod heretici, licet multa mala penalia pro defensione sue perfidie sustineant vel eciam mortem, non possunt dici pacienciam veram habere, quam pacienciam veram habent veri martires Christi," ibid., fol. 259va.

68 "Cum multe sint proprietates lupi, redditur causa quare Dominus, aliis proprietatibus lupi omissis, solum loquitur de proprietate rapacitatis eius, per hoc ostendens quod heretici qui lupi hic vocantur periculosiores sunt fidelibus quia rapaces sunt quam propter aliam eorum proprietatem," ibid., fol. 261ra.

perfectly with "rapacity," nevertheless constitute the primary acceptations of it. The ferociousness with which the wolf kills and dismembers its prey alludes with macabre concreteness to the piteous ruin of the faithful effected by heretics. This is what emerges from the crude description of the wolf who pinches the sheep at the throat to deprive it of its voice before leading it to a secret place and killing it there, drinking its blood and digging its claws into their stomach and vital organs to then devour them. This is what heretics do to the faithful, Fournier explains. They kill the faith in the hearts of those who listen to them, and drive them towards the worst vices.[69]

Light is next shone on the cause and the end of rapacity, which permits Fournier to observe other fundamental differences between true and false Christians. They seem to have in common that which the commentator identifies as the principal cause of rapacity: hunger—that is, the desire to attract the faithful to themselves. But to separate them and to differentiate them is nevertheless the intention. Where good masters lead non-believers and sinners to themselves "in order to make them live," heretics instead attempt to extinguish the faith in the soul of Christian "in order that they die."[70] The contrast between the former and the latter is radical, since it hinges on the opposition between spiritual life and death, between salvation and damnation.

Moreover, ravenous wolves damage the sheep of Christ by attempting to scatter them and expose them to various dangers. Destroying the Lord's flock, they force the animals to wander, but they do not succeed in making them return, such that they are left to be devoured by wild animals, or to fall into pits trailing other sheep behind them.[71] The verb *errare* thus possesses a double

69 "Lupus enim primo guttur stringit ut vocem ovi auferat ne belare vel vociferare possit, deinde ad loca secreta ducit si oportunitas sibi assit et ibi ovem interficit, sanguinem eius in quo vite fides est bibendo. Mortua autem ove, statim rostrum immittit per ventrem et membra interiora in quibus principaliter vita consistit, devorat et consumit, sicut et hereticus | facit. Primo quidem ab auditoribus suis vocem confessionis vere fidei eripit, fidem veram et ministros Ecclesie blasphemando et deinde, suam falsam doctrinam predicans et ad ipsam credendam inducens, fidem veram in cordibus auditorum extinguit. Deinde, omnia opera virtuosa a mente auditorum erradicans et consumens, pessimos mores et vicia perficere suos auditores inducit," ibid., fols. 261va–261vb.

70 "Inter famem enim, id est desiderium convertendi auditores ad suum dogma credendum, doctorum catholicorum et hereticorum hoc interest, quia doctores catholici cupiunt suos auditores ad suam doctrinam rapere ut eos vivificent, qui primo mortui fuerant increduli vel peccatores erant, set heretici ad se animos catholicorum qui eos audiunt rapere conantur ut eos mortificent et vitam spiritualem eis auferant," ibid., fol. 262rb.

71 "Non solum autem huiusmodi lupi rapiunt Christi oves, set eciam eas in errorem suum primo mittentes, postea dispergunt in diversos, ut sic iam per errorem abducte a fidei

meaning, alluding on the one hand to doctrinal errors to which the scattered sheep succumb, and on the other hand, to the bewilderment of those who leave the unifying dimension of the master's flock. In both cases, the harm grows exponentially: each error in effect leads to many others, just as many sheep will follow one that is lost.

Lastly, heretics inflict a harm that is radically different from the preceding ones. Their rapacity is not exhausted by the attempt to kill the faithful spiritually, but rather it also translates into a desire to take their temporal goods through deceit.[72] In the passage *De utilitate credendi* reported by Fournier, Augustine again defines the heretic as greedy for material goods: "The heretic is, in my opinion, he who generates or follows false and new opinions with an eye to some temporal advantage and above all for glory and power."[73]

While the negative characteristics of heretics multiply within the treatise, the analysis of the word *intrinsecus* eventually ignites a tenuous hope of

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veritate in varios et diversos errores probantur et a diversis hereticis devorantur. Errans enim in fide nunquam contentus est stare in primo errore, set semper de errore uno cadit in alium errorem (. . .). Et dum lupus aliquas ex ipsis strangulat et occidit, ille que evadere eius seviciam possunt, fugientes de ovili disperse ad diversa loca eis secura. Quandoque eciam insiliens subito in ovium gregem facit oves huc illucque dispergi que per loca ignota dum vagantur, a diversis bestiis devorantur et cum sic disperse sunt per loca diversa et eis inconsueta, frequenter incidunt in devorationem diversarum bestiarum agni et sic extimantes se fugere a morte quam lupus eis nitebatur inferre, mortem per alios lupos vel bestias quas fugerant incurrunt. Quomodo eciam contingit quod cum fideles, timore hereticorum, ne ab eis spiritualiter occidantur, rumpentes ovilia Ecclesie in quibus erant inclusi, de Ecclesia recedentes in diversis erroribus hereticorum incidunt et sic interficiuntur spiritualiter. Error enim ovium inter errores aliorum animalium pessimus est: dum enim sic errant, si una ipsarum currendo inveniat baratrum vel foveam in illam incidit et omnes alie oves, videntes | eam sic currere, post eam currunt et se post illam precipitant in illo baratro. Unde et lupus, hoc instinctu nature sciens, quando oves invenit non inclusas sed per pascua vagantes, insilit in eas ut ipsas terreat et territe fugientes in baratrum quod ipse iam previdit cadant et continue eas sequitur quousque in dictum baratrum omnes ceciderint, et tunc veniens avide eas comedit. Ovis eciam errans nescit redire ad alias nec ad pastorem, sicut solent facere canes errantes et boves et multa alia animalia que, in locis multum remotis aberrantes, instinctu quodam nature revertuntur ad domos dominorum suorum," ibid., fols. 265va–265vb.

72 "Quare heretici dicuntur lupi, quia non solum *rapiunt et dispergunt oves* [John 10:12] Christi occidendo fidem in eis et per varios errores dispergentes, set eciam bona temporalia credencium ipsis per diversos dolos sibi ipsis applicare nituntur," ibid., fol. 266vb.

73 "Hereticus est, ut refert mea opinio, qui alicuius temporalis commodi et maxime glorie principatusque sui gracia falsas ac novas opiniones vel gignit vel sequitur," Augustine of Hippo, *De utilitate credendi* 1.1.1, PL 42: 65, cf. Troyes 549, IV, fol. 266vb.

recovering them. The term refers once again to the dangerousness of heretics, who keep their malicious nature hidden until a moment to reveal it presents itself.[74] If this theme had already been repeated many times, a new element follows in the treatise: the cruelty of heretics is not "natural" (*naturalis*)—intrinsic like that of true wolves—but "voluntary" (*voluntaria*), and therefore even more vituperous. While wolves cannot indeed change their ferocious nature, heretics succeed in containing theirs and in camouflaging it when they so desire.[75] This reflection adds a new subtlety to a complex profile of perfidy and hypocrisy, but at the same time it opens the possibility that by the grace of God such a lupine inclination might be converted into good-naturedness and simplicity. This would not be possible if their rapacity were an external characteristic. The will, for example, does not suffice to reform a mutilated limb, but it can certainly repair heretical error in as much as "heresy derives from choice."[76] With the help of God's grace, the possibility thus arises for heretics to convert from impiety to faith, becoming sheep from wolves.[77] As we will see, the theme of conversion is taken up again and subjected to in-depth analysis by the author in later deliberations aimed at measuring the role of individual responsibility in choosing error and the punishments that derive from that choice.

Moving on from the sacred text, the future pope dwells at length in reflecting upon the danger represented by enemies of the Church. Supported by patristic sources, Fournier deciphers the symbolisms related to the commented passage, identifying immediately the principal actors of the conflict underway: heretics on one side, and the Church doctors on the other. Personally accepting the invitation that, in the reading, Christ extends to the *doctores* of the Church, the author organizes a scrupulous work of scriptural exegesis, conceived as

74 "Et ideo Dominus, ut ostendat quam profunde et occulte iste lupus dolosus est, dicit quod *intrinsecus est lupus rapax*, id est rapacitatem celat in suo corde usquequo oportunitatem nocendi invenit, quia tunc eam aperit in opere exteriori," ibid., fol. 267va.

75 "Vel ideo dicuntur intrinsecus esse lupi rapaces ut ostendatur eorum nequicia voluntatis. Non enim habent rapacitatem innatam, set quam ipsi in se fecerunt. Si enim rapacitatem innatam haberent sicut habent lupi naturales communes, ab illa inemendabiles essent, sicut et lupi qui quantumcumque domesticentur numquam rapacitatem dimettere possunt," ibid., fol. 267vb.

76 "Per Dei graciam eorum voluntas lupina dummodo velint potest mutari in simplicitatem ovinam, quod non fieret si extrinsecus essent lupi rapaces. Defectus enim exterioris hominis non subiacent volutati hominis sicut defectus hominis interioris et ideo, ne heretici desperent, dicuntur lupi intrinsecus et non extrinsecus," ibid., fol. 268va.

77 "... ut de perfidia ad fidem convertantur, et ut de lupis fiant oves, et de persecutoribus cives et de rapacibus aliorum cibus," ibid., fol. 269rb.

an indispensable weapon to be unleashed upon those who attempt to corrupt Catholic doctrine. The battle engaged by the cardinal against heretics through the exposition of the Gospel of Matthew runs along a double level of reading expressed in his exegesis of the passage in question and its symbolisms, but also in his meta-textual reflection on the very function of scriptural exegesis. Like the judiciary campaigns employed within the ecclesiastical tribunals, Bible study supports the anti-heresy commitment of the ministers of the Roman Church, defining the theoretical framework of the doctrinal debate. If the theologian and the inquisitor are distinct by notable differences in method and language, their spheres of operation are not entirely separate, but rather they dialogue and integrate, such that Fournier's commentary reconstructs and supports the procedural framework put in place by ecclesiastical tribunals, which carried out the annihilation of the impenitent.

If in the prologue to his *Postilla* Fournier distinguishes the truth expressed in an obscure manner in the Old Testament from the one presented openly in the New,[78] the internal coherence of the Holy Scriptures is also re-established through the concordance between the false prophets of ancient times and the heretics of the new age. The author sheds light on the nature and principal characteristics of both, and they are highlighted through the concreteness of images drawn from the biblical text and from patristic sources. Fournier openly reconstructs the dangers that heretics represent for faith, for the Church and for the faithful, insisting in various ways on the malicious intentions that mark them, and on the hypocrisy and falsity that push them to cloak themselves in a veil of simulated sanctity. These distinctive elements are particular to heretics of all ages and Fournier naturally retraces them in those of the modern period. Similarly to the false prophets of the Old Testament and to heretics in the time of Augustine, Arnold of Brescia, the Manicheans, the Waldensians, Joachim of Fiore, and Peter of John Olivi are ravenous wolves. If the mantle of sanctity and innocence behind which they hide also comprises their works, in this section of the commentary Fournier placed the accent on the hidden dangers threatening the faith of simple folk. The awareness of finding oneself before an ably disguised evil rather than an openly declared and demonstrated threat fuels the feeling of danger that these enemies constitute for Christianity. For this reason, in subsequent passages the author dwells on the numerous signs by which it is possible to recognize and to identify heretics just as one recognizes the tree by its fruit.

78 Christopher Ocker, *Biblical Poetics before Humanism and Reformation* (Cambridge: Cambridge University Press, 2002), 22.

CHAPTER 7

The Signs of Heresy: How to Tell a Plant from Its Fruit

After having placed Church doctors on guard against the deceptions of false prophets, the commentary turns to the external signs by which it is possible to recognize enemies of the faith and to identify their perverse nature, despite every effort on their behalf to dissimulate it. The text examined (Matt. 7.16–20) is based on the metaphor of trees and their fruit, and it establishes, in the generative relationship between the two, the possibility of identifying the nature of the former by the latter.

If the preceding passage highlighted the malice of ravenous wolves and the peril constituted by their hiding behind a meek and innocent appearance, subsequent developments of the Sermon on the Mount present a constructive solution by opening the possibility of overcoming the discrepancy between what the false prophets seem to be and what they truly are. At the heart of this identification is the ability to recognize them by their fruits ("By their fruits you shall know them," Matt. 7.16) and it is around this fundamental theme that treatises 99 and 100 of the *Postilla super Matheum* are constructed.[1]

Having already clarified in depth the correspondence between false prophets and heretics, the author must now explain to which of their fruits the text refers. From the opening of treatise 99, Fournier identifies them in words and actions (*hereticalia dicta vel facta*), both of which constitute tangible manifestations of the intrinsic nature of heretics and therefore an essential means of identifying them. After having placed the accent on the ways in which false prophets threaten the faith of good Christians, the cardinal concentrates rather on their actions as a starting point for working backwards towards the heart of their heresy. This undertaking, which was entrusted to the doctors of the Church, is anything but linear and direct. As Fournier amply demonstrates, heretics in fact seek to dissimulate their nature, thus rendering it tricky to identify plants from their fruits.

1 Troyes, Mediathèque du Grand-Troyes (olim Bibliothèque municipale) 549, IV, treatises 99 and 100, fols. 374va–318ra (henceforth: Troyes 549).

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The actions of heretics therefore represent the first essential observatory in which the *magistri* might identify external signs of heresy.[2] Fournier immediately delineates, in philosophical terms, the relationship that connects actions to the inward nature of the subject who accomplishes them. It is only in proceeding from action (*operatio*), Fournier explains, that one can retrace the latent form (*forma*) of something, since action follows form.[3] From this it follows that the doctors of the Church, appropriately prepared, will be able to identify—from an indefinite panorama of words and actions—those with the greatest probability of indicating heresy. Which sayings or facts assume the value of a sign? How is one to distinguish the signs of sincere devotion from those of dissimulated infidelity?

Entirely analogous questions were also addressed in texts of a different nature, such as manuals for inquisitors. Noting the fact that heretics summoned before the judge resorted to multiple techniques of dissimulation aimed at concealing their guilt, these texts—which juxtaposed specific methods of interrogation and information on the rituals, behaviours and beliefs of various heretical groups—furnished inquisitors with a fund of knowledge deemed necessary to lay bare the truth. According to such manuals, even minor details can become important clues, if not manifest signs, of heretical belonging. The case of Bernard Gui is telling in this respect. In his *Practica inquisitionis* he points to specific external signs, such as manner of speaking, by which one might identify heretics despite their dissimulation.[4]

If the starting point of the *Postilla* is analogous to that of the inquisitor's manual, the difference in textual genre and in addressees gives rise to a very different deliberation in the commentary. Unlike inquisitorial manuals,

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2 On the matter of how to penetrate the intimate religious feeling of an individual through external signs, see the discussion by Peter Biller, " 'Deep is the Heart of Man and Inscrutable:' Signs of Heresy in Medieval Languedoc," in *Text and Controversy from Wyclif to Bale: Essays in Honour of Anne Hudson*, (ed.) Helen Barr and Ann M. Hutchison (Turnhout: Brepols, 2005), 267–80.

3 "Unaqueque enim forma que in re latet non cognoscitur nisi ex operacione et ideo operacio ipsa est manifestacio forme," Troyes 549, IV, fol. 273vb.

4 For example, the Dominican inquisitor lists in detail the "artifices and deceptions" to which the Waldensians resorted during the interrogation. In his opinion, the very act of resorting to such techniques of dissimulation should be considered an "evident sign of heresy;" see Bernard Gui, *Manuel de l'Inquisiteur*, (ed. and trans.) Guillaume Mollat (Paris: Honoré Champion, 1926), 1: 64–76, esp. 72. Elsewhere Bernard explains that the Beguins can be identified by external evidence (such as their particular mode of speaking), and as a consequence, he concentrates on those "signis quibus exterius aliqualiter distinguuntur," ibid., 1: 116–8.

Fournier's text was devised for doctors of the Church, and it sets out the conceptual fund of their theological battle against heretical evil. Leaving aside all descriptive and informative purposes surrounding specific heretical rituals, behaviours or doctrines, the exegetical work of treatises 99–100 opens, rather, a deliberation on the nature of evil and on the responsibilities of human beings in traveling the path of error that deviates from the good. The battle undertaken by the theologian is not divorced from that of the inquisitor, for they share an objective: the annihilation of heretics. Yet, they differ in their instruments and strategies.

Let us now try to reveal the specific features of the deliberation begun by Fournier with the passage "By their fruits you shall know them" and those immediately following it. What are the tangible signs of heretical evil? What is the origin of evil, and what are the human responsibilities for it? What are the goal and utility of the exegetical text?

To answer such questions, the commentary unfolds in two macro-directions, proceeding from the particular to the universal. Analyzing the evangelical sentences "By their fruits you shall know them. Do men gather grapes of thorns, or figs of thistles?" (Matt. 7.16), treatise 99 proposes a concrete reconstruction of the signs by which readers might identify the surfacing of heresy. The reference to plants (brambles and thistles) and to particular fruits (figs and grapes) sets up the explanation of the simile between actions and fruits, malicious and benign, in concrete terms on the basis of the cases examined. The subsequent treatise, number 100, will develop these themes, by contrast, on a more markedly abstract and philosophical plane, opening an in-depth digression regarding evil, free will, individual responsibility, and the intervention of grace, and lastly, the concrete heretical threat reported clearly in the centre of the deliberation, which comes full circle to conclude the treatise. From the particular examples offered earlier, Fournier proceeds in treatise 100 on the universal level, in which all trees and all fruits allegorize good and evil, first conceived, and then implemented.

7.1 Recognizing Heretics by Their Words and Actions

How is it possible to recognize heretics if, like wolves disguised as sheep, they attempt to dissimulate their wicked nature? Fournier develops a well-structured commentary in which he furnishes doctors of the Church with a scrupulous casuistry of manifestations of heresy as words or as actions. Once Fournier has established the philosophical premise that legitimizes the identification of heresy from words and actions (action is consequent to form), he

lists the signs that permit the attentive observer to go straight to the roots of heretical evil.

Recognizing a heretic "by his words and actions" (*ex verbis et operibus*) means knowing how to read in his words and actions a series of signs that can manifest separately or together.[5] Where the evangelical text uses the word "fruits" (*fructus*), the cardinal-theologian provides an interesting list of situations in which heresy, ill concealed, becomes manifest. Even if it is supported by patristic citations, the commentary distinguishes itself in this section for its strong originality, in which we glimpse the relevance of Fournier's personal experience. The inquisitorial activity he conducted while bishop is obvious in his reconstruction of cases that stand out for their concreteness and for their realism. Nevertheless, the analysis of the commentary will demonstrate the limits and the boundaries of this reception. As we shall see, far from being translated into an account of Jacques Fournier's inquisitorial experience, the cases he offers to the attention of his readers adhere to the typology and to the demands of the exegetical text.

Observing the actions of heretics, the cardinal identifies a first sign of the true nature that hides behind their simulated goodness: they do not carry their actions to completion, but rather they interrupt them as soon as they have obtained their hoped for goal, moving on to complete some other contrary actions. Although it is difficult to identify one who dissimulates his own nature, the doctors of the Church are helped by the certitude that "a simulator cannot hide himself for long," but rather his inner nature will quickly become apparent through his words or by his deportment.[6]

In effect, Fournier continues, words and actions are "evident signs" (*signa manifesta*) of the interiority of he who pronounces or completes them. He better clarifies this correspondence, which seems to thwart the role of falsity and pretence. When speaking of fruits, God does not refer to just any actions, but rather to the actions that proceed from their author inwardly as well as

5 "Multa dicta sunt de fructibus et signis ypocritarum et ibi qui voluit poterit videre. Unde non ex quocumque fructu, set ex predictis propriis, quando incipiunt apparere, heretici esse vel in aliquo fuisse cognoscuntur," Troyes 549, IV, fol. 283ra.

6 "Ex operibus heretici et ypocrite cognoscuntur, quia simulata bonitas operum hereticorum et ypocritarum per hoc cognoscitur, quia talia bona opera non continuant usque ad finem suum, set non adepto illo quod ex talibus operibus obtinere se sperabant, vel adepto illo quod sperabant se obtinere per talia opera, ad contraria opera convertuntur," ibid., fol. 273va; "Unde quia heretici et ypocrite intrinsecam formam habent in eo quod tales sunt, scilicet heresim vel ypocrisim, ideo (…) non diu possunt stare quin tale opus extra ostendant quale intrinsecus ipsi sunt, per quod manifeste ostenditur eorum ypocrisis vel heresis," ibid., fol. 273vb.

outwardly.[7] Openly heretical actions or words are, naturally, the most evident signs of heresy and infidelity lurking in the mind of their author. Those who preach and teach heretical doctrine are thus manifest heretics, nor can there be any proof to the contrary in this respect. The very fact of preaching heresies is an undeniable sign of heresy, even though heresy is an inner corruption of the intellect and of the will and no one can know what is hidden in the human spirit. This reference to the preaching of heretics calls directly into cause the decretal *Ad abolendam* by Lucius III, who pronounced an anathema upon those who taught otherwise with respect to the sacraments of the Catholic Church: the anti-heretical legislation elaborated in the late medieval period is directly taken up again and even cited in biblical commentaries.[8]

Fournier knows well, however, that it is rarely possible to catch heretics in the act of preaching their doctrines openly, because they normally act in secret.[9] Therefore the defenders of the faith will probably catch secondary signs and hidden traces by placing the faithful subject to their authority and to their pastoral guidance under watch. He next identifies seven circumstances or "fruits," observing which they will thus be able to recognize the entry of heretics into the Lord's vineyard. By dedicating particular attention to symptoms of change, the doctors will be able to identify an enemy presence among the faithful. As Fournier underscores by drawing upon Bernard of Clairvaux, they will become aware of the heretical presence, for example, in cases in which some Christians begin to deride the sacraments that they had previously observed and to hold in contempt the pastors of the Church whom they had respected before.

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7 "Secundo ideo Dominus dicit quod hereticos et ypocritas cognoscemus a fructibus eorum, id est ab operibus non quibuscumque, set ab operibus propriis eorum in eo quod tales sunt. Talia enim opera proprie dicuntur esse alicuius quando ex habitu vel forma eius interiori in eo quod talis est procedunt. Talia enim opera sunt signa manifesta qualis sit ille intrinsecus a quo procedunt. Unusquisque enim qualis est talia loquitur, operatur et vivit," ibid., fol. 274va.

8 "Idcirco quando invenitur quod aliquis verbis vel factis corrumpere fidem nititur dicendo hereticalia et de hoc alios instruendo, ex hoc opere manifeste hereticus esse ostenditur, quia talis loquela et opus sunt fructus heretici in eo quod hereticus est. Unde et ex hoc quod quis hereticalia predicat vel dogmatizat presumitur presumptione contra quam probatio in contrarium non admittitur quod hereticus sit, licet heresis cum sit corruptio actuum interiorum intellectus et voluntatis, qui actus sunt latentes in mente heretici, non possit videri ab alio quam ab heretico. Nemo enim scit que sunt in spiritu hominis nisi spiritus eius. (…) Unde et ex *De hereticis*, c. *Ad Abolendam* dicitur *Universos qui de sacramento corporis* [Lucius III, *Ad abolendam*]," ibid., fol. 274vb.

9 "Si eciam hereticus dogmatizans vel predicans suam heresim non possit in hoc deprehendi, quia talia ut communiter latenter faciunt (…)," ibid., fol. 274vb.

From signs like these it is clearly apparent that a heretic, like a wolf entering the fold, lurks among the faithful, spreading its "pestiferous doctrine."[10]

In the same way, the presence of heretics becomes apparent in the surfacing of divisions among believers in the matter of faith, with some affirming one thing, and others, the opposite. Since heretics teach their doctrine in secret places, and they would not dare spread them openly, the outcome of their preaching will be more easily observed in the emergence of divergent opinions among the faithful.[11] One of the characteristics that make heresy stand out most from orthodoxy is indeed division: heretics introduce the germ of separation to the centripetal impulse promoted by the Roman Church—the guarantor of unity of the faith and of the sacraments—by multiplying opinions, sects and secret meetings, and by countering the "spirit of unity" with a feeling of competition and division.[12]

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10 "Cum apparet quod illi qui doctrinam catholicam amplecti solebant, ad divina sacramenta danda vel accipienda devoti erant, ecclesias et pastores Ecclesie in magna reverencia habebant, incipiunt doctrine catholice detrahere, sacramenta ecclesiastica deridere et pastores veros Ecclesie contemnere, unde ex istis signis manifeste apparet quamvis adhuc hereticus lateat, quod lupus vel hereticus in ovile Ecclesie intravit, quia talia in Ecclesia que catholica fuerat non apparerent nisi hereticus, intrans in ipsam, per pestiferam doctrinam eam corrupisset," ibid., fol. 275ra. These observations are reinforced by long citations from Bernard of Clairvaux, *Epistola* 241, in *S. Bernardi Opera*, (ed.) J. Leclercq, H. Rochais and C.H. Talbot, 8 vols. (Rome: Editiones Cistercienses, 1974–77), 8: 125; *Sermones super cantica canticorum, Sermo* 65.4, ibid., 2: 74–5, cited by Fournier on fols. 275ra–b.

11 "Cognoscuntur eciam heretici intrasse in vineam Domini, id est in Ecclesiam catholicam, ab alio fructu eorum proprio, qui fructus est divisio facta in plebe circa illa que fidei sunt, cum unus dicit hoc et alter aliud, que divisio fit in hereticorum consilia [*sic*] vel secretis vel occultis. Quia enim heretici, iam Ecclesia roborata et firmata, non audent publice sua dogmata et eorum sacra, immo execranda, misteria revelare, nec aliis aperte propalare (. . .), idcirco loca vel tempora secreta et occulta perquirunt ut suis credentibus suam pravam doctrinam per predicationem manifestent et suas turpitudines que apud eos pro sacris habentur propalent et ostendant. Unde ubicumque tales congregationes de nocte vel in secretis locis fiunt, signum est quod heretici vel eorum credentes ibi sunt," Troyes 549, IV, fol. 275vb.

12 "Set Ecclesia catholica multos congregat infra sinum unius sancte matris Ecclesie, ita spiritus discordie et dissencionis separat et dividit hereticorum consiliabula. Cum enim non sit nisi una catholica Ecclesia per totum orbem diffusa, unitatem fidei et sacramentorum retinens, contra quam heretici pugnant et ab ea sicut hostes se separant, in tot sectas se diviserunt et frequenter contrarias quod manifeste apparet eos non habere spiritum unitatis, set contencionis ac eciam divisionis," ibid., fol. 276ra.

As indicated in earlier points, secretiveness stands out as the third sign of heretical presence. Heretics are recognized because, unlike Catholics, they conceal themselves and preach latently (*latenter*) rather than manifestly (*manifeste*), and because they prefer to let themselves be killed rather than to confess their errors. Fournier compares their preaching to that of Christians during the period in which they were persecuted. Just like heretics, the faithful of Christ also fled and concealed themselves. And yet, Fournier observes, the secretiveness of the early Christians was justified by "three just causes:" the hope of spreading the Christian faith more widely, of preventing the infidels from becoming even worse in their persecution of the faithful, and of avoiding the situation in which simple folk, finding themselves lost without their spiritual guides, allowed themselves to be corrupted with greater ease.[13] If the common condition of being persecuted makes it preferable for heretics, as for early Christians, to choose to abscond, the difference in causes renders the opposition between the two types of fugitives extreme.

How is it possible to discern the ones from the others? A manifest sign is present in their conduct once they have been captured. While the Christian who concealed himself to defend the truth does not hesitate to defend it openly before his persecutors, the heretic tries instead to disguise his own falsity as long as possible, preferring to tolerate the harshness of imprisonment and of torture than to confess.[14] Animated by the desire to defend the truth, the Christian martyrs chose without hesitation to confess before their persecutors, preferring to die than to deny the truth; it was this choice—owing to the truth of the faith that they were defending—that distinguishes them from the apostates.[15] On the contrary, heretics—who hide themselves to defend errors and injustices—refuse to confess when they are caught. Fournier finds new

13 "Quamvis autem, tempore persecucionis Ecclesie, Christi fideles et magistri Ecclesie, fugientes persecucionem infidelium quia hoc expediebat, tum ne infideles eos interficiendo peiores efficerentur, tum ne magistris Ecclesie sublatis de medio in simplicibus fides Christi corrumperetur et ut in alios per doctores Ecclesie fides plantaretur, que tres cause sunt iuste ut magistri Ecclesie vel fugiant vel se abscondant," ibid., fol. 276vb.

14 "Signum autem manifestum est quod latitans < qui > pro veritate defendenda et communicanda latitabat, quando comprehensus per fidei vel iusticie persecutores, veritatem et iusticiam coram eis defendit. Et pro defensione erroris et iniquitatis quis latitabat, quando comprehensus, errorem suum et iniquitatem celat et in tantum quod nec duricia carceris nec tortorum vel tormentorum instancia confiteri suum errorem et iniquitatem vult, set magis vult pati aspera quam si errorem suum confiteretur," ibid., fol. 277va.

15 "Ex quo contigit quod sancte Ecclesie magistri | qui racione persecucionis latuerant, quando comprehensi fuerunt, veritatem fidei sine omni confusione coram persecutoribus confessi fuerunt, et cum eam cogerentur negare per tormenta, magis elegerunt mori

confirmation of what he stated by looking at the largest groups of heretics in his own time. Both Manicheans and Waldensians, he observes, believe that it is an irremissible sin to denounce the name of a *haereticus* or of other believers and they instruct their faithful not to reveal in any way the secrets of their sect.[16] This long passage is composed without the mediation of *auctoritates*, leaving it open to suppose that the Cistercian monk let the knowledge of the inquisitor acquired through anti-heresy treatises and manuals filter into the commentary.

The fourth fruit on which the cardinal dwells regards, by contrast, the moral conduct of the faithful. Heretics stand out from good masters by their attempt to compromise the faithful, by their scandalous actions, and by their pushing the faithful to imitate them. It is therefore possible to identify heretics by observing what they say and do.[17] Illustrating the properties of the fourth fruit, Fournier refers, as usual, to heretics of all ages, and he attempts to arrange their characteristics in categories that are valid for every place and time in Christian history. Notwithstanding this, privileged attention is once again turned to Manicheans and to Waldensians, who exemplify the doggedness with which heretics lead their followers to sin. Despite Fournier's experience as bishop, the information he presents in his commentary is once again filtered through the sermons of Bernard of Clairvaux, re-read by the Cistercian monk in reference to Waldensians and to Manicheans.[18] The former are accompanied, wherever they go, by women whom they call "mothers, sisters, and daughters," even though they are not connected to each other by any bonds of kinship; behind such names they conceal the proximity of women who share their

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quam fidei veritatem negarent. Si eam denegassent non martires, set apostate a fide fuissent," ibid., fols. 277va–277vb.

16 "Econtra autem heretici qui per erroribus et iniquitatibus suis latitant, quando comprehensi sunt vel negant se esse quod sunt, vel si confitentur se tales esse, errores tamen suos nec execranda misteria sua revelare et confiteri nolunt, nisi manifeste per multos convincantur. Unde et inter manicheos dicitur quod credentes eorum per Ecclesiam capti si revelent hereticum vel alios credentes committunt peccatum irremissibile et in hoc seculo et in futuro. Valdenses eciam de hoc instruunt suos credentes ut nullomodo revelent nec magistros suos, nec alios, nec secreta secte eorum, unde et frequenter se interimunt ne alios revelent vel sectam suam, vel linguas sibi precidunt," ibid., fol. 277vb.

17 "Cognoscuntur eciam heretici *ex fructibus*, id est operibus eorum et verbis que extrinsecus ostendunt et dicunt. Semper enim aliquid faciunt quod in scandalum videncium transit, vel dicunt tale quid per quod si observaretur multa scandala et peccati occasiones simplicibus darentur," ibid., fol. 278rb.

18 Bernard of Clairvaux, *Sermones super cantica canticorum, Sermo* 66.3, in *S. Bernardi Opera*, 2: 179–80; and *Sermo* 65.4, ibid., 2: 174–5, cf. Troyes 549, IV, fols. 278vb and 279rb.

faith, thus also leading others to perform "many turpitudes and immodesties" with women who are not their wives.[19] Similar considerations regard the Manicheans, who condemn matrimony all the while concealing the legitimization of concubinary and incestuous relations, and every kind of depraved and dissolute act, behind a presumed chastity.[20]

Even more than sin and scandal, however, heretics disseminate doctrinal error. The doctors must attentively examine their opinions. Heretical doctrines are recognized by the ease with which they fall to pieces following careful verification. Similar to autumnal trees, they are fruitless and sterile, false and vain, and destined to be quickly forgotten. The fifth fruit of the heretical plant is indeed the easy crumbling of these errors and the rapid oblivion that they subsequently incur.[21]

Finally, after having examined the ephemeral substance of their doctrine, Fournier observes more closely some of the properties that make heretics themselves stand out. The goal of their words and their actions render them identifiable. Everything that they say and do, the cardinal comments, traces back to a desire for earthly glory and to a craving for temporal goods. Rather than being concerned with rendering honour to God and with being useful to their neighbour, they seek to elicit praise and admiration by teaching

19 "Sic heretici aliqua faciunt et agunt ex quibus scandalizantur videntes et audientes et irritantur ac moventur ad consimilia facienda (. . .). Sic enim valdenses mulieres extraneas quocumque vadunt secum ducere consueverunt, nec invenitur aliquis inter eos qui tales non secum ducat cum quibus et in domo et in cubiculo commorantur, quas mulieres matres vel sorores solent vocare ut talibus nomibus decipiant videntes et audientes eos. Que tamen non sunt matres, nec sorores, nec aliquid eis carnaliter attinentes, set matres vocant illas per quas ad heresim inducti sunt, sorores autem que in errore consortes sunt, filias vero illas quas in errorem induxerant. Et si eis inhibeatur ne tales mulieres extraneas et iuvenes quandoque secum ducant, nolunt ab hoc cessare, quantumcumque videant quod alii ex hoc scandalizantur, id est inducuntur ad cohabitandum periculose cum extraneis mulieribus, ex qua cohabitacione multa turpia et impudica committunt," Troyes 549, IV, fol. 278va. Cf. Peter Biller, "Appendix: Edition and Translation of the *De vita et actibus*," in *Texts and the Repression of Medieval Heresy*, (ed.) Peter Biller and Caterina Bruschi (York: York University Press, 2003), 198–9.

20 Bernard of Clairvaux, *Sermones super cantica canticorum, Sermo* 66.3, in *S. Bernardi Opera*, 2: 179–80, cited by Fournier on fol. 279rb.

21 "Sic ergo quando hereticorum doctrina et magistri eius tanguntur vento vel persecutionis vel discussionis | et disputacionis, subito, quia nullam firmitatem habent, decidunt et pereunt et ita oblivioni traduntur et doctrina et eorum doctores," Troyes 549, IV, fols. 280va–280vb.

unprecedented things that are extraneous to sacred scriptures.[22] How does one identify them? When they lose or they do not achieve the glory among men they seek, heretics "become angry, grumble, and lose their patience a lot."[23] This regret, which Fournier depicts with vivid concreteness, is later intensified when the glory of their principal enemy, the Catholic Church, is consolidated. In fact, their envy of others' favours (the seventh and final fruit) make heretics stand out to such a degree, Fournier writers, that nothing distresses them as much as the growing prosperity of the ecclesiastical institution. One will be able to identify heretics when, enflamed with burning envy, they try anything to defame the Church.[24]

As it becomes clear from the analysis of the seven fruits listed by Fournier, the strategies of identification at the disposal of the doctors of the Church lead in two different directions and they illuminate the rebellious changes in the faithful, in doctrine and modes of preaching, and in behaviour. Similarly to inquisitors leading an interrogation, the *magistri* will have to become astute observers and catch the many signs that, together or separately, point to the proliferation of the heretical plant. Where the unity of the Church represents a true linchpin of the order of orthodoxy, strain in this unity attests heretical presence in various ways. Thus divisions appearing among the previously cohering and devout faithful, blasphemous critiquing of the Church and of the clergy, the development of dissolute conduct that is opposed to Christian morality, and, secret and unauthorized preaching all become indubitable signs of the subterranean action of heretics who have penetrated the Lord's vineyard. Fournier's analysis of the seven fruits by which heretics can be identified

22 "Cognoscuntur eciam heretici ex eorum proprio fructu, cum quicquid dicant vel faciant, propter inanem gloriam et rerum temporalium habundanciam obtinendam dicant et faciant. Unde eorum facta magis fiunt admirationem in hominibus causandam ut inde ipsi laudentur quasi mirabilium operum factores, quam ad Dei honorem vel proximorum utilitatem. Eorum eciam doctrina idcirco recedit a communi doctrina Ecclesie ut mirabilis apud stultos ex hoc extimetur, quia non docet illa que Ecclesia vel scriptura divina docet, set quedam extranea et alias inaudita, ut ex hoc in maiori admiratione apud | homines habeatur," ibid., fols. 280vb–281ra.

23 "Cognoscuntur autem talia opera operari propter inanem gloriam, quia quando eis a videntibus gloria humana non defertur vel subtrahitur, irascuntur, murmurant et impacientissimi sunt," ibid., fol. 281va.

24 "[Heretici] videntes eciam Ecclesiam et ecclesiasticas personas tam spiritualiter quam temporaliter florere, se autem abiectos et fugitivos esse, Ecclesie Dei invident, quia prosperatur et in se ipsis contabescunt, quia omnino viles et abiecti sunt, ex qua invidencia veritatem fidei agnitam impugnant et Christi Ecclesiam blasfemant, quod est peccatum irremissibile et tale quod est ad mortem," ibid., fol. 282vb.

forces him to refer to very concrete circumstances in which words and actions furnish tangible proof of heresy.[25] The specificity of the cases he evaluated, however, requires that he adjust the narrative to meet the demands of the exegetical text: the originality of his observations must fit within the super-historical framework of the commentary, finding support in numerous references to *auctoritates* and never to inquisitorial documentation. The meaningfulness of the narration is reinforced by the account of concrete situations, which are inserted into the text as valid examples possible in all moments of Christian history. Among the references to heretics persecuted in Jacques Fournier's day Waldensians and Manicheans assume a prominent place. Information about them enter the exegetical text through the filter of Bernard of Clairvaux that Fournier also connects to Waldensians when required, thus conferring a universal dimension upon the deliberation, and directly linking modern heretics to biblical false prophets once again. Along the same line, his examination of the seven specific fruits is followed by an in-depth theoretical examination aimed at clarifying—on a level of greater abstraction—the allegorical implications related to the tree and to the parts that compose it: roots and fruits.

Though motivated by the shared goal of destroying heresy, the theologian and the inquisitor have different methods and they make use of different languages and different instruments of proof. The weapons of the theologian are logical and philosophical. Resting upon the authority of patristic and scriptural sources, they do not require a direct comparison with the present. Yet, biblical exegesis offers the author an opportunity to deliberate on the questions of greatest historical urgency—in this case, heresy.[26] The theoretical significance of Fournier's deliberation is consolidated in the subsequent development of the treatise, which proposes a new digression on the symbolism connected to plants and fruits that are evoked in the evangelical passage: brambles and thistles; the grape and the fig.[27]

25 "Ex supradictis ergo fructibus propriis heretici cognoscuntur et ex aliis qui pro nunc michi non occurrunt," ibid., fol. 283ra.

26 The commentary on the Gospel of Matthew by Baconthorpe offers, for example, a political deliberation on the *plenitudo potestatis* elaborated in response to the *Defensor pacis* by Marsilius of Padova; Beryl Smalley, "John Baconthorpe's Postill on St Matthew," *Mediaeval and Renaissance Studies* 4 (1958): 91–145. By contrast, the prophetic and eschatological resonance in the commentary on the Gospel of Matthew by Peter of John Olivi is strong; Kevin Madigan, *Olivi and the Interpretation of Matthew in the High Middle Ages* (Notre Dame: University of Notre Dame Press, 2003).

27 Troyes 549, IV, fols. 283rb–300va.

7.2 Heresy as Absolute Evil

After having revealed the external signs of a deliberately concealed heretical faith, Fournier moves on to a theoretical clarification regarding the metaphor of the tree and the relation that connects fruits to their plants. These considerations lead to the heart of the subsequent passage: "Do men gather grapes of thorns, or figs of thistles?" (Matt. 7.16).

The symbolism tied to the image of the tree is structured in terms of the relationship between roots and fruits. The central question of this relationship, which is examined in subsequent chapters of the commentary, ultimately concerns the origin of good and bad actions. What is the cause of them? Can a good fruit derive from a plant that is opposite in nature? What type of causality exists between the root and the fruit of a tree? For Fournier, responding to these kinds of questions means illustrating the development of evil, of error and of spiritual or moral perversion through well-defined examples (the four plants named in the evangelical passage). Evil, which he examines at length, assumes a concrete form: that of heretical evil—a plant with very deep roots that cannot produce anything but very bad fruit.

In line with what has emerged from the very beginning of the treatise, the fruit symbolizes actions and words. As its etymology suggests (*fructus a fruendo*), to be considered proper fruit must be produced delightfully and purposefully, and not through violence or against the will. Only in this case do human actions, be they good or bad, issue directly from the heart of the person who performs them, just as fruit is the direct product of the tree's root. In other words, intentionality is a necessary condition for one to reach the nature of the individual by observing his actions.[28] Second, the cardinal adds, not all actions are suited to identifying whether the men who perform them are good or bad. The fruits to be examined are in fact those that can only proceed from a good intention or from a bad one, but not from both.[29] Following Augustine closely, Fournier observes in fact that while fastings, prayers and alms-giving can be

28 "Dicuntur autem opera et verba hominum fructus ac si hominis arbor esset fructus, enim proprie et usitato modo dicuntur arborum fructus qui cum suavitate sumuntur, unde fructus a fruendo sunt dicti. Unde illi dicuntur esse proprie fructus homines qui delectabiliter et ex proposito ab eo fiunt. Si autem violenter quis aliquid opus operetur et cum displicencia cordis, tale opus non est fructus operantis, nec ei debet attribui sicut fructus," ibid., fol. 283rb.

29 "Ex quibus fructibus, id est operibus bonis vel malis, homines esse boni vel mali cognoscuntur vel non cognoscuntur, quia non cognoscuntur faciliter boni vel mali esse ex illis operibus que bona et mala intencione fieri possunt, set ex illis operibus que non nisi bona intencione fieri possunt vel non nisi mala intencione," ibid., fol. 284vb.

accomplished by hypocrites desirous of gaining esteem and respect, some actions, by contrast, can only proceed from a bad intention, such as sins of the flesh, the adoration of idols, magic, enmities, quarrels, heresy, envy, drunkenness and so forth. Other fruits, rather, are such that they allow one to identify beyond the shadow of a doubt the goodness of the plant that produces them (Gal. 5.19–23).[30]

Fournier thus examines the relation between intention and actions from a different angle, introducing the fundamental theme of the passage commented, that is, the impossibility that a good fruit might originate in a bad intention. The author draws upon Aristotelian physics in designating the generative cycle of the plant in terms of causality: the plant is the material or effective cause (*causa materialis vel effectiva*) of the fruit that it produces, and it is therefore impossible for grapes to be gathered from thorns or figs from thistles. Fournier's reading does not lose sight of the centrality of heretical evil. The impossibility of a causal relationship between evil and good indicates above all that nothing good can ever come from heresy.[31]

The deliberation goes even further, connecting to the nature of heretics their constitutional incapacity to gather good. Even if the faithful can sometimes pluck a good fruit from the words and actions of heretics, the latter are, by contrast, unable to do any good, in as much as they are motivated by a bad intention.[32] It can in fact happen that heretics draw upon scriptural passages, incorporating them within their doctrines, as when from time to time it happens that a bunch of grapes grow from sterile or wicked plants. In spite of these inferences, of which only good Christians can make a treasure, heretical

30 "Ex talibus ergo fructibus qui recta intencione et perversa et per fidelem et infidelem fieri possunt, non cognoscitur bonus homo vel malus. Sunt tamen aliqui fructus ex quibus heretici vel ypocrite ut supra dictum est cognoscuntur, et eciam ex quibus boni homines a malis hominibus discernuntur, qui fructus sunt tales quod mala intencione fieri possunt et tales ostendunt arborem bonam, id est bonum hominem. Et alii fructus sunt qui numquam bona intencione fieri possunt, set semper maliciam in se habent convolutam et in talibus | numquam contigit dirigere, set semper, cum talia fiunt, peccatur," ibid., fols. 285rb–285va; cf. Augustine of Hippo, *De sermone Domini in monte* 2.24.81, PL 34: 1308.

31 "Ex hoc autem exemplo vult Dominus deducere quod numquam de heresi vel ypocrisi in eo quod talia sunt nascitur bonus fructus, set solum malus et perniciosus, ex eo quod heresis et ypocrisis intencio cordis corrumpere habent. Ex intencione autem cordis corrupta numquam bonus fructus provenit," Troyes 549, IV, fol. 286va.

32 "Si eciam aliquid bonum spirituale proveniat ex eorum opere in aliis non tamen ipsis prodest, immo obest, quia non recta intencione vel fide tale opus faciunt," ibid., fol. 287ra.

doctrines sink their deep roots into error and it is therefore necessary to destroy and to burn their wicked plant completely.[33]

The conclusion of this section clarifies the final meaning of the whole digression. Probing the meanings of the evangelical passage, Fournier sheds light on the causal relations between internal tension and external manifestations, eliminating all possibility of the former possessing a different character than the others.[34] The fundamental result of the reflection leaves no room for doubt: heresy cannot contain any good and it must therefore be completely rejected and demolished. The people of Israel fleeing Egypt were forced to destroy and to burn gold, silver and other metals that were used to make idols, and to spread their ashes rather than to convert them for human use (Exod. 32.19):[35] in the same way it is necessary to reject heretical evil in all its parts, even where it seems possible to find some useful and just teaching in it.[36] Indeed no useful fruit can or will ever be able to sprout from evil roots. There is no mediation possible with respect to an enemy such as this who makes an attempt on the Church and on the faithful. The only solution for vanquishing it lies in its annihilation. "Nothing should be retained by the Church from the heretical root nor from that which derives from such a root, but everything must be destroyed and annihilated": heresy in itself constitutes an absolute evil and as such it merits nothing but complete destruction.[37]

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33 "Quare Ecclesia catholica non debet retinere apud se doctrinam hereticorum illam que ex radice heresis heretici deducunt, set tam radicem heresis, quam illa que ex dicta radice deducuntur, totaliter igne consumenda sunt, ne detur occasio erroris simplicibus si talis doctrina retineretur. Set si heretici aliqua ex divinis scripturis vel deducta ex ipsis aut ex recta racione in sua doctrina interferunt que possunt separari a doctrina heretica, illa retinenda sunt; reliqua vero que hereticorum sunt, destruenda sunt," ibid., fol. 287va.

34 "Sic ergo de spinis et tribulis non colliguntur uve nec ficus, quia hereticorum credentes et discipuli ypocritarum ex doctrina eorum heretica vel simulata nullum bonum fructum et suavem usui humano accommodum colligunt, set inutilem et damnosum," ibid., fol. 289rb.

35 "Et hoc significatum fuit in lege quando preceptum fuit quod aurum vel argentum vel quodcumque aliud metallum ex quibus fabricata fuerant ydola in aliquem usum vel divini cultus vel usus humani non responderentur vel converterentur, set totum debebat comburi et in cinerem redactum spargi debebat, vel nulli usui divino vel humano applicaretur, set totaliter perderetur," ibid., fol. 287vb.

36 "Totum debet ut abhominabile et anathematizatum ac damnatum haberi," ibid., fol. 288ra.

37 "Nichil de radice heresis nec de hiis que sequuntur ex tali radice reservari in Ecclesia debet, set totum debet destrui et consumi ne forte, si aliquid tale remaneret, materiam errandi infirmis prestaret," ibid., fol. 287vb.

7.3 Sweet and Useful Fruits, Bitter and Useless Fruits

With the metaphor of the tree clarified from a theoretical point of view, the last part of treatise 99 evaluates the specific properties of plants named in the evangelical passage, identifying in the characteristics of their thorns or their fruits as many particularities that distinguish heretics, heresy, Catholics and the Church. Chapters 16–31 of the treatise are organized according to successive divisions that precisely mark the correspondences between each plant and the properties that relate to it. As it emerges from the analysis of the preceding treatise in which heretics were studied through the figures of the false prophets and ravenous wolves, the exegetical text once again offers Fournier the possibility of penetrating the meanders of heretical evil by thoroughly examining its characteristics and by insisting in particular on certain modes of propagation. Through the opposition of grapes and figs on the one hand, and thorns and thistles on the other, the passage in question prepares the terrain for an open and direct comparison of believers and unbelievers that offers new ideas to the deliberation underway.

As we have seen, the central theme of this passage and of the immediately ensuing ones is the hypothesis that one can ascertain the nature of a plant by tracing it back from the fruits it produces. While the subsequent treatise (number 100) introduces a theological reflection of universal character that involves all plants and all fruits, the treatise being examined proceeds from a particular reflection on specific plants. In the development of the commentary, Fournier adds to the bristly shrubs named in the passage from Matthew (*spinae* e *tribuli*) a third plant: the bramble (*rubus*) mentioned in the Gospel of Luke.[38] This incorporation permits him to build a better-structured symbolic framework from which the sterility and the uselessness of heretical doctrine emerges—as an infertile plant, or one that produces bitter fruit, and that is unserviceable and harmful to man.[39]

The analysis is initially based on the structural diversity of the three types of thorns, to which correspond different ways of pricking, slashing, and cutting into the flesh of those who touch them. Their modes of wounding are immediately linked to modes of preaching, of sowing error, and of penetrating the

38 *Unaqueque enim arbor de fructu suo cognoscitur. Neque enim de spinis colligunt ficus: neque de rubo vindemiant uvam*, Luke 6.44.

39 "Tales enim plante sicut sunt spine, tribuli, rubi non producunt fructum suavem et vite humane accommodum, qui fructus significantur per uvam et ficum, set vel nullum vel amarum et usui humano inutilem vel nocivum, quia doctrina et facta hereticorum, qui sunt fructus eorum, mala sunt in se et aliis nociva," Troyes 549, IV, fol. 289rb.

religious sentiment of the faithful by introducing seeds of error. Fournier then investigates the meaning of the simile still further, associating the structural characteristics of the three bristly shrubs to as many characteristics of heretics.

With its sharp thorns, heretical doctrine cuts, wounds and penetrates into the depth of the heart, thus resembling the three plants in its ways of penetrating the inner feeling of each apostate. The physical properties of thorns, brambles, and thistles are analyzed above all in relation to the efficacy of their bristles. Smooth and soft when it sprouts, the thorn then becomes hard, transforming into a piece of wood sharpened by a straight point that, similar to a lance, deeply wounds those who touch it.[40] It resembles heretical doctrine, which penetrates directly into the heart of those who allow themselves to be persuaded by their false promises. Facilitated by their assent, heresy wounds the faithful inwardly and kills them spiritually. Through preaching heretics often succeed in easily gaining the trust of the faithful and in deluding them with false promises of impunity. The reference becomes explicit once again: the Manicheans, Fournier notes, usually preach simply and without providing their audience with the kind of explanations from which numerous contradictions and falsities would certainly emerge. Their believers and friends are thus limited to gathering and accepting that which they do state without asking any questions. This way of preaching heretical doctrine simply, without recourse to too many theological explanations and arguments, evokes the direct and deep cutting caused by the straight spike of thorns.[41]

The bramble is different. Equipped with hooked spikes, it cuts and retains the flesh of those it touches rather than penetrating into them in a straight

40 "Iste enim tres plante, scilicet spina, rubus et tribulus spinose sunt, set | differenter. Spina enim, licet principio quando oritur sit mollis et tenera, nec tangenti inferens nocumentum, tamen postea quando crescit induratur et fit lignum acutum perforans tangentem usque ad interiora, quia rectam acuciem habet que vulnerat contractantes eam," ibid., fols. 289rb–289va.

41 "Comparatur autem doctrina heretica omnibus istis tribus dumetis spinosis. Et primo quidem spine, que directe vulnerat tangentem se. Doctrina enim hereticorum directe illos qui faciliter ab ea persuadentur statim pungit et vulnerat, propter enim multa promissa que heretici promittunt credentibus suis in alia vita et propter hoc eciam quod eis impunitatem promittunt de suis peccatis ac habenas eis laxant ad voluptates carnales in vita presenti que homines carnales appetunt. Eorum doctrina faciliter creditur et sic, usque ad interiora cordis per consensum perveniens, vulnerat et occidit credentes eam (…). Talibus enim heretici errorem suum manifeste et palam predicant, unde et apud manicheos precipitur quod eorum credentes vel amici non debent de aliquo dubio quod occurrat hereticum interrogare, set totum recipere et approbare quicquid per eum dicitur, nulla eciam racione dicti assignata," ibid., fol. 289vb.

line. The thorns of this plant and the characteristics of its spike point to a second means of spreading heretical doctrine. There are in fact numerous cases in which heretics prefer to gain the faith of new believers by traversing the torturous and treacherous terrain of philosophical and dialectic argumentation, to which their errors are perilously to connected. Unable to unravel the sophistries of heretics, those who listen to their reasoning allow themselves to be conquered by such discourses, coming to believe as true that which is false and making the errors that permeate heretical doctrine their own.[42]

The thistle, a plant that grows in fallow regions, possesses even more diverse characteristics. It sprouts with weak and inoffensive thorns, and then develops hard and sharp spikes, which are hidden among the leaves and stalks and that, concealed, badly puncture those who touch them.[43] Through this image other ways in which the heretical plant sprouts and spreads among simple folk become apparent. Lacking sound doctrinal instruction, simple folk believe that heresy cannot harm those who draw near to it; under the weight of habit, however, heterodox doctrine grows progressively stronger in their hearts, to the point of transfixing them gravely. The wounds inflicted upon the entire Church by these barren and false doctrines are dangerous. Similar to thistles, they cut the faith of many without these individuals becoming aware of it, and they make their way into the hearts of the faithful, which harden through obstinacy.[44]

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42 "Per rubum autem, qui dumetum spinosum est habens spinas recurvas ut possint retinere ex recurvitate tangentem rubum et ex acuitate cupidis vulnerare, doctrine intelliguntur heretice, que multitudine argumentorum philosophicorum et dyaleticorum retinent auditores et ex errore quod intermiscent in suis argumentacionibus vulnerant et dilacerant | sibi adherentes. Homo enim racionabilis existens, dum perplexitatem sophismatum quibus heretici utuntur dissolvere nescit, quasi unco rubi captus tenetur," ibid., fols. 290rb–290va.

43 "Set tribulus est ex omni parte pungens, nec potest in aliqua sua acucie tangi quoniam ledat tangentem, si in acucie eius tangat. Est enim tribulus herba que nascitur in locis incultis vel non plene cultis, que a principio mollis est et spinas sic debiles habet quod tangentem tribulum non ledunt. Postea autem, cum creverit, ille spine que sunt in foliis stipite et branchis indurantur et quia teguntur foliis tribuli et subtiles sunt non videntur, et tamen acutissime pungunt," ibid., fols. 289va.

44 "Sed per tribulos intelligitur doctrina heretica quam homines fantastici, nulla doctrina veritatis instructi, adinveniunt. Que a principio non ledit tangentes eam, quia vere ut est fatuitas extimatur, set postquam incipit indurescere per consuetudinem tot spinas subtiles habet et in foliis, id est verbis, et in stipitibus qui ex verborum subtilitate non discernuntur nisi diligenter videantur quod vix tangi potest quin homo ledatur. Dum enim versucia sermonum ipsorum et illa ad que eorum error tendit non considerantur quasi vera esse, extimantur vel si non vera ut fatua a sapientibus dimittuntur nec

By means of this triple simile the cardinal thoroughly examines the diverse ways in which heresy is disseminated. Moving away, in part, from the basic theme of the treatise, he analyzes the correspondence between the structural characteristics of some plants and the efficacy of their thorns, linking them back to the paths traveled by false doctrines to reach the heart of the faithful. Like the form and the position of spikes, the ways of spreading heretical doctrine also vary. Heretics disseminate their doctrine now by preaching openly through simple messages, now by arguing through the artifices of philosophical language in which the differences between false and true become confused, and now by making its way into the hearts of simple folk by more devious means, without the latter recognizing the true meaning of it. The digression on heterodox preaching assumes a role of primary importance in Fournier's deliberation. Laying bare the techniques of heterodox proselytism, he demonstrates the relative ease with which the heretical message penetrates. While truth and lies become indistinguishably entangled in the words of heretics, the author reaffirms the validity and the truth of the sole religious message borne by the ministers of the Roman Church.

The cardinal thus studies in depth the opposition between heretics and the *magistri*, arranging the vices of the former and the virtues of the latter around the contrast between harmful and barren thorns and sweet fruits. In addition to embodying the modes of heretical preaching, bristly plants visually synthesize the various properties that had already been thoroughly delineated in the previous chapter: desire for glory, ambition, and longing for earthly goods.[45] Protruding beyond the tough surface of plants, thorns exemplify the hypocritical attitude of heretics, who abandon the common life and torture themselves with excessive abstinences, driven by the sole desire to appear saintly and to be praised above others.[46] With its thorns sharpened to wound and hooked to retain, the bramble portrays, rather, the thirst of heretics for ecclesiastical and secular honours and dignities. Heretics are always ready to tear their neighbour

improbantur, quousque multi simplices per illam doctrinam | sunt graviter puncti," ibid., fols. 291ra–291rb.

45 "Sic ergo per istas tres plantas spinosas, scilicet spinas, rubum et tribulum, hereticorum et ypocritarum proprietates et condiciones per Dominum describuntur," ibid., fol. 293rb.

46 "Illi autem qui se ypocritas faciunt propter inanem gloriam, ut scilicet ab hominibus sancti et iusti super alios extimentur, recte comparatur spine. Spina enim, dimittens arboris planiciem, super alias partes arboris se continue acuminando erigit et ypocrite, qui sancti super alios videri volunt, ut ab hominibus glorificentur dimettentes communem vitam vel christianorum communium, vel eciam religiosorum eiusdem status vel ordinis, se per diversas abstinencias affligentes et attenuantes, super alios se estendere volunt," ibid., fol. 292ra.

to pieces, and that which they achieve never satisfies them.[47] Lastly, the thistle, which sinks its deep, thin roots into barren lands, stealing the nutrients from nearby plants, evokes the avarice and craving for temporal goods characteristic of heretics.[48]

The negativity of these bristly plants is thus described on many levels. In conclusion, harmful plants do not produce edible fruit, or they are even sterile. They do not possess any utility for man, since they do not even create pleasant shade. Fournier's verdict is peremptory and it foretells all the rigour of repression: since no useful fruits derive from these plants, they should be completely burned in the fire, in such a way as to not wound those who draw near to them.[49]

The power of this judgement becomes apparent in an even more meaningful way through the contrast between doctrine and Catholic doctors, symbolized in the images of the fig and the grape. Analyzing the qualities of these two fruits, Fournier delineates, in the negative, the vices of the plant of heresy too. He contrasts the harmful, fruitless plants devoid of utility studied up to that point with the fig and the grape, which stand out for their sweetness and abundance of seeds. Fournier directly associates these characteristics with those of Catholic doctrine and of the *doctores* who teach it, explaining that the teachings and moral examples of the Catholic masters are many, just like the seeds enclosed in a fig or a grape, but all of them adhere to a sole truth, enclosed as they are in the sweet skin of Catholic faith. The meaning of the new simile is

47 "Illi vero qui ambicione honorum et dignitatum se ypocritas faciunt, ut scilicet honores et dignitates vel ecclesiasticas vel seculares adipiscantur, spinis rubi que uncum habent ad retinendum et acuciem ad vulnerandum et se extendunt ultra rubi planiciem comparantur. Tales enim nunquam de habentis honoribus et dignitatibus saciantur, set semper plura et plura desiderant habere et retinere," ibid., fol. 292va.

48 "Sed tribulu[*s*], qui ut frequenter nascitur vel in locis incultis vel in non plene cultis (. . .), quia cum multum in profundo radicetur, humorem qui ad segetes circumstantes venire deberet preaccipit et sic segetes, carentes humore quo nutriri haberent deficiunt, significantur ypocrite, qui cupiditati avaricie agitati, ut bona aliorum sibi applicare possint, omnia faciunt ut ipsi habundent in temporalibus bonis et alii a quibus accipiunt talibus bonis careant et sic alios consumunt et devastant, sicut tribuli consumunt segetes iuxta se positas," ibid., fol. 293ra.

49 "Non solum autem isti heretici et ypocrite spinosi existentes vulnerant et dilacerant catholicos tangentes eos, id est conversantes cum ipsis, set eciam dumeta existentes non dant umbram utilem ut subtus eos catholici requiescere possint," ibid., fol. 293va; "Nec ad aliquem usum alium humanum utiles sunt | nisi ut succise mittantur in ignem et ibi totaliter consumentur, ne aliquem eis apropinquantem ledere possint," ibid., fols. 293vb–294ra.

based on unity and on truth, which are considered distinctive traits of Catholic doctrine.[50]

If truth is one and only and it is contained in the doctrinal framework of the Catholic Church, it should not be communicated and disseminated save at the opportune moment. Fournier next dwells on the criteria for disseminating the religious message, contrasting the desire for glory of heretical preachers with the modesty of the Catholic doctors: just as grapes retain their juice until they are compressed and crushed, Catholic masters spread their doctrine only when they realize that the Church is in danger, threatened by heretics and by their errors.[51] Rather than confuse the truth with lies, they act as guides toward the truth. Through their words, Catholic doctrine undergoes a similar purification to the one experienced by wine after pressing. If the various thorns were associated with the perils of heretical preaching, the sweet juice of the grape suggests a mirror reflection according to which it is regarded as the only legitimate way of disclosing the faith. The effect of preaching by the *magistri* is that of explaining the content of the Scriptures, rendering the doctrine even more clear, and the message ever more pure. After having underscored the unity and the truth of Catholic doctrine, the cardinal therefore stresses the unity of the mediators of this message too: only the Catholic doctors are participants in a teaching of the truth that renders it comprehensible to all pupils. It goes without saying that their mediation is essential so that the doctrine is

50 "Econtra autem per uvam et ficum que nascuntur ex vite et ficulnea doctrina catholica et proborum morum exempla mostrantur que de catholicis doctoribus oriuntur. Hii enim duo fructus in duobus conveniunt, scilicet in granorum multitudine contenta in uno corpore vel sub uno cortice et eciam in suavitate. Uva enim in uno corpore, id est racemo, multa grana continet, ficus eciam sub una pelle multa grana sibi mutuo adherencia includit. Et doctores catholici multas veras sentencias docent, omnes tamen quas docent adherent uni botro vel racemo, quia non nisi fidei catholice que bona est congruunt et divinis verbis et sentenciis adherencia," ibid., fol. 294va.

51 "Comparatur eciam doctrina doctorum catholicorum uve vel botro, quia sicut si uva vel botrus non comprimantur pedibus vel manibus aut pondere preli humor contentus in granis uve non egreditur vel effunditur, set infra dicta grana botri continetur, sic doctores catholici, quia nichil agunt ad inanem gloriam vel ad lucrum, set solum ad aliorum profectum, quamdiu necessitatem vel oportunitatem non vident, doctrinam penes se retinent vacantes contemplacioni, scilicet lectioni et oracioni, quia tale ocium multum diligunt, set quando vident oportunitatem, quasi compressi manibus, doctrinam effundunt. Set quando necessitas imminet, Ecclesia artata vel per hereticos vel per astutam doctrinam hereticorum vel persecuciones infidelium, tunc totam doctrinam quam intus retinebant expandunt vel effundunt quasi magno pondere preli pressi," ibid., fol. 295rb.

correctly understood, and not wrongly interpreted by simple folk or distorted by enemies of the faith.[52]

Fournier's celebration of the virtues of the Catholic doctors continues through an examination of other common properties by which the fig and the grape are equated with them. He emphasizes the sweetness and exquisite flavour of the two fruits, while pointing out that the plants from which they sprout are useful for man through their pleasant shade. In the fig and the grape the hardness of the seeds is joined to the tender fleshiness of the pulp and from these together the sweet flavour of the fruit derives. Fournier adopts a similar attitude toward the sinners as Catholic doctors, who alternate the harshness of castigation with a tender mercy, combining the perfect balance between bitterness and sweetness.[53] Once dried in the sun, the fig and the grape grow sweeter, becoming even more useful and durable. Fournier compares them once again to the doctors of the Church, whose teaching becomes more useful and more lasting because the fervour that animates them dries and annihilates the earthly longings of Christians.[54]

The opposition between the sweet fruits of orthodoxy and the nefarious thorns of heresy is thus organized into a complex symbolic system with profound implications. Far from culminating in a simple list of vices and virtues, the dualism invests certain questions that are worth highlighting. The image of false prophets and ravenous wolves camouflaged behind an apparent

52 "Dicuntur eciam doctores catholici uva quia sicut de uva vinum exprimitur quod dum antiquatur, defocatur et purius fit, sic doctrina doctorum catholicorum que fluit de uva doctorum, quanto magis antiquatur, purgata clarescit et purior fit et delectabilior catholicis auditoribus ad bibendum, inebrians eos sancto amore," ibid., fol. 296ra.

53 "Habent eciam iste due arbores, scilicet vitis et ficus, aliquas communes proprietates in quibus eis catholici doctores assimilantur. Nam fructus istarum duarum arborum, sicut uva et ficus, in uno corpore multa grana habent, prout iam dictum est de uva. Sub una eciam pelle ficus multa grana sibi mutuo coordinata continet, quibus granis carnositas dulcis est adunata, ex qua eciam carnositate et granis dulcis sapor ficuum resultat. (…) Per quod significatur sanctorum doctorum eximia caritas, qua omnes virtutes eorum concluduntur cum ipsa sit vinculum perfectionis. Opera eciam eorum, tam interiora quam in opere exteriori demonstrata, quamvis aliquando videantur dura ut sunt grana ficus, quia peccantes dure reprehendunt et castigant, sive videantur mollia et carnosa, quia ad omnes viscera pietatis gestant, tamen quia ex dulci radice caritatis Dei et proxima eorum opera tam interiora quam exteriora procedunt, dulcia sunt," ibid., fol. 297rb.

54 "Coveniunt eciam uva et ficus, quia dum vel in arbore vel ab arbore excise desiccantur multo tempore ad solem, magnum augmentum accipit ipsarum dulcedo (…). Quibus doctores Ecclesie comparantur, qui tanto plus dulciores sunt in docendo et moribus instruendo, quanto plus cupiditatis mundi humiditas per fervorem caritatis desiccatur et quasi mortificatur," ibid., fol. 298va.

innocence permitted Fournier to turn the attention of readers to the gravity of the danger that heresy represents for the Church and for the faithful. The duplicity with which heretics dissimulate their perfidy by blandishing simple folk is identified as one of their principal distinguishing traits. To get to the bottom of their constant simulation, the theologian locates in the Gospel the solution of investigating clues. The passage "By their fruits you shall know them" introduces the possibility of identifying false prophets by considering their words and their actions, reconstructing through induction the form from its action.

The suggestion of a correspondence between form and action also undergirds the subsequent development of the treatise, in which Fournier rejects the possibility that plants might sprout the fruit of another plant, just as one does not gather thorns from the grape, nor thistles from the fig. Without losing sight of the characteristics of a particular example, the metaphor involving specific plants and specific fruits is thus re-proposed in the theme of the production of a fruit from a root, and in the correspondence between an intention and its manifestations. Bristly shrubs have characteristics that are diametrically opposed to those of fruits like the fig and the grape, and it is not possible for a generative link to connect the ones and the others. In the exegetical text, Catholic doctrine and heretical errors, doctors of the Church and heterodox preachers, are immediately related to the image of these plants. Distinguishing the ones from the others means knowing how to trace the properties of certain fruits back to those of the plants that produce them.

This is precisely the technique of the inquisitor, who traces the hidden origins of the heretical faith back from a series of clues regarding the deportment and the actions, or the words and doctrines pronounced by the accused. The success of this 'circumstantial' method is assured by the fact that the ecclesiastical judge knows in advance what the result of the inquiry ought to be: manuals and treatises lay out for him, in fact, the form and the intentions that undergird heretical acts, helping him in his inquiry and making the inductive process ultimately coincide with the deductive process, the origin, with the goal of the investigation. As it emerges from this analysis of Fournier's *Postilla*, the course pursued by the theologian is necessarily different. On the foundations of the sacred text he builds a deliberation that, strongly abstract in scope, is applicable to variable circumstances and contexts. His exposition of the scriptures seems then to intervene in support of the same process of investigation implemented by the inquisitor, laying the theoretical foundations of the inquiry that he will conduct, hearing after hearing, in his court. If there is a correspondence between the religious conscience of the believer, which is intimate and unfathomable, and their actions and words, which are more easily

observable and reconstituted in court, a theoretical demonstration is required. Turning to the notion of causality, the cardinal theologian illustrates how the roots—the material cause of the fruit that they produce—display the same characteristics as their fruit, such that no other one could derive from them. Formulating the direct relation between roots and fruits in terms of causality, Fournier establishes the legitimacy of the inductive process that permits the judge to trace the faith of the heretics from their behaviour and from their words. That which the cardinal proposes in the commentary is ultimately a theoretical justification of the conduct of ecclesiastical judges.

This demonstration possesses a second important implication. Rejecting the idea that there can be any good in heresy, just as sweet fruit cannot sprout from bristly plants, Fournier qualifies the error of faith as absolute evil. The question is addressed in treatise 99 beginning with the example of certain plants and specific fruits, but it is taken up again and investigated more thoroughly in the following treatise, with Fournier moving on to a deliberation of universal character. Having analyzed "in the particular" (*in particulari*) the difference between bristly plants and sweet fruits, Fournier is already in a position to point out some important traits of the antinomy between heresy and orthodoxy. If we look at the foundational categories of this opposition, the centrality of the concept of unity immediately stands out. Dwelling on the character of religious doctrine, on the mediators of this teaching, or on their ways of spreading and preaching it, Fournier identifies the nucleus of the dissimilarity between orthodoxy and heresy in the antithesis between unity and rupture, unicity and plurality. One and only is the correct doctrine, which *doctores* alone are able to understand and are authorized to teach; one is the Catholic Church, just as one is the skin in which the fig and the grape contain a sweet and complex whole of seeds and pulp. By contrast, the signs that permit one to identify veiled and dissimulated heresy generally concern the rupture of this unity, the advent of conflicting opinions with in it, the multiplicity of teachings, the spreading of blasphemous and denigrating criticisms against the clergy, the Church and the sacraments, or the implementation of alternative modes of preaching to the legitimate one. Such opposition does not leave room for intermediaries: one is the correct doctrine and it is the one defended by the Roman Church and spread by Catholic doctors; all the rest is absolute evil and to be rejected and opposed as such.

The conclusion of the treatise seems to attenuate the peremptory character of these observations. It is true that "a tree cannot produce the fruit of another tree,"[55] and this seems to rule out the possibility of reciprocal contamination

55 "Altera arbor fructus alterius arboris facere non potest," ibid., fol. 30ova.

between evil and good. Nevertheless, Fournier points out that the meaning of the simile changes when applied to men rather than to trees. If trees cannot change their nature, an inner change, by contrast, is possible in man, who can become good from wicked and vice versa. This happened to the apostle Judas, who became a traitor; to Paul who, from a blaspheming persecutor of the Church, converted to the faith of Christ; or to Saint Augustine, who abandoned the error of the Manicheans to enrich the Catholic Church with abundant fruits.[56] Unlike trees, men are changeable (*mutabiles*), free to consciously choose the path of conversion or that of perversion. Analyzing universally (*universaliter*) the generative relationship that connects all trees to their fruits, Fournier will introduce in the next treatise (number 100) the role of individual responsibility in religious choice, and the relation between free will and divine grace in the determination of that choice.

56 "Est tamen attendendum quod licet de spinis et tribulis naturalibus non possit colligi uva vel ficus, quia quelibet arbor naturaliter fructum proprium habet (. . .), tamen homo qui hic arbor vocatur, qui quamdiu est in vita presenti mutari potest de bono in malum et de malo in bonum, quia eius liberum arbitrium quamdiu vivit nec est consummatum in bono, nec obstinatum in malo et idcirco de bona arbore potest fieri mala et de mala bona (. . .). Sic enim et Iudas, qui Dominum tradidit, qui quandoque fuit bonus, dum fuit bonus bonum fructum fecit et malus effectus, sicut quando fuit factus fur et deinde Domini proditor, malos fructus fecit (. . .). Paulus eciam, qui a principio fuit malus et ecclesie persecutor et Christi blasphemator et contumeliosus, malos fructus fecit, pro quibus dignus erat damnatione. Qui tamen postea ad Christum conversus, totam ecclesiam bono fructu doctrine exempli et intercessionis implevit (. . .). Quia ergo heretici qui vocantur spine et tribuli, dum in hoc seculo vivunt et ab heresi converti possunt et catholici fieri et tunc de spinis et tribulis efficiuntur vitis et ficus, licet dum sunt heretici ficus et uva non possint ex eis colligi, tamen quando facti sunt catholici, ficus et uve de eis colligi possunt, sicut contigit in Augustino qui de heresi manicheus conversus ad catholicam fidem multos bonos fructus in Christi Ecclesia fecit," ibid., fols. 299vb–300rb.

CHAPTER 8

The Origin of Evil and Individual Responsibility

Dwelling upon the opposition between the characteristics of thorns and thistles, and those of the grape and the fig, Fournier introduced important considerations on the manifestation of heresy and on recognizing heretics. The subsequent passages of the Sermon on the Mount lend a universal significance to this deliberation, which proceeds from the four particulars (*quatuor particulares*) to examine the properties of all trees (*omnis arbor*).[1]

The utter unrelatedness of bristly shrubs—which are harmful, fruitless and useless to man—and sweet, fleshy fruit rich in seeds had already led Fournier to conclusions that he would take up again and examine more thoroughly in treatise 100, based on the verses of Matt. 7.17–20:

> 17 Even so every good tree bringeth forth good fruit, and the evil tree bringeth forth evil fruit. 18 A good tree cannot bring forth evil fruit, neither can an evil tree bring forth good fruit. 19 Every tree that bringeth not forth good fruit, shall be cut down, and shall be cast into the fire. 20 Wherefore by their fruits you shall know them.

The starting point for the new treatise lies in the correspondence between a plant and its fruit, which in Fournier's reading translates into the correspondence between the inner characteristics of men and their actions. Fournier, having already delineated through specific examples, the correlation between intention and actions, placed it at the centre of a long digression aimed at legitimizing the extension of his previously formulated conclusions to all men. After having identified—through example (*per exemplum*)—specific signs in which heresy manifests, the author engages in a much deeper level

1 "Dicens *Sic omnis arbor bona fructus bonos facit, mala autem arbor fructus malos facit*, assumpserat enim in bona et mala arbore duas particulares, in bona quidem vitem proferentem uvam et ficulneam proferentem ficus, que utique bone arbores sunt et bonum fructum faciunt, in mala vero arbore posuerat spinam et tribulum que sunt male arbores vel nocive. Ex quibus concluserat quod de talibus arboribus non colliguntur boni fructus, set pocius mali. Nunc autem ex dictis quatuor particularibus infert duas conclusiones universales," Troyes 549, IV, fol. 300vb.

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of reasoning that addresses—through reason (*per racionem*)—the problem of the origin of evil.[2]

On the basis of the commented passage, he constructs a treatise from the strong theoretical scope that he organizes in two principal moments, concentrating first on objections by reason of being (*per racionem de esse*)—that is, on the observation that every good tree produces good fruit and every bad tree produces bad fruit—and, subsequently, on the actual possibility or impossibility of these facts being different from that which they are (*per racionem de posse vel non posse esse*), based on the affirmation that a good tree *cannot* produce bad fruit, nor a bad tree, good fruit.[3]

Fournier's exegesis of the metaphor of the tree understood universally forces an almost immediate clarification, and he underscores the centrality of man in the commented passage; it is always in relation to man that he addresses the theme of the origin of evil. What is the source of evil? How is it possible that God created bad plants? From where does error come? The author dwells in the new treatise on the role of individual responsibility and on the relation between free will and divine grace in the choice of true faith or the refusal of it. The option between conversion (*conversio*) and perversion (*perversio*) is ultimately tied to the conscience of individuals, rendering recourse to the notion of fault or merit, punishment or reward, fully opportune.

8.1 The Origin of Evil by Reason of Being

Speaking of good and bad trees and fruit, God refers deliberately to men and to their works. This interpretative orientation assumes a cardinal importance in the construction of treatise 100.[4] Fournier immediately proves its foundation

2 "*Sic omnis arbor bona fructus bonos facit, mala autem arbor fructus malos*, ubi postquam Dominus ostendit per exemplum vel opere malo heretici et ypocrite possunt cognosci per magistros Ecclesie et per consequens caveri, nunc hoc declarat magis generaliter | per racionem," ibid., fols. 300va–300vb.

3 "Et duo facit, quia primo hoc probat per racionem de inesse et secundo per racionem de posse vel non posse esse, 11 ibi *Non potest bona arbor fructus malos facere*," ibid., fol. 300vb.

4 "Est tamen attendendum quod licet hic Dominus loquatur universaliter de arboribus bonis vel malis dicens quod *omnis arbor bona fructus bonos facit, et omnis arbor mala fructus malos facit* et in utroque sensu hoc dictum Domini habeat veritatem, sive pro arboribus intelligantur plante, sive intelligantur homines boni vel mali, tamen hic ex intencione non loquitur nisi de arboribus, accipiendo arbores pro hominibus bonis vel malis (. . .). Et sic ex contextu sermonis sui clare ostenditur quod non de irracionabilibus plantis loqui intendit, set de racionabilibus arboribus, id est hominibus," ibid., fol. 301va.

by turning to a literal analysis of the passage. In reference to the plants, he points out, one does not use the expression *facere fructum* ("to make fruit,") but one states rather that a tree *gignit vel producit fructum* ("generates or produces fruit"). This observation is rich in implications: while the tree produces fruit *ex virtute naturae* ("by the power of nature,") without having the power and the capacity to behave to the contrary, the verb *facere* ("to do" or "to make,") more aptly attributed to men, implies, rather, the importance of conscious choice in the completion or not of determined actions. Above all, reasoning and will-power distinguish men from plants, that is, it is possibile to determine the fruit of their actions by free will, and not simply by natural impetus.[5] The reader's attention is immediately drawn to one of the supporting themes of the present treatise: the centrality of free will as a distinctive trait of human nature and as an essential path between form (*forma*) and action (*operatio*), between the heart's intention (*intencio cordis*) and actions or words (*opera vel verba*).

This explanation based on the analysis of a verb does suffice, however, to dispel all doubt regarding the correct interpretation of the evangelical passage. So as to eliminate all hesitation, Fournier also considers the opposite hypothesis, on the basis of which the term *arbor* would allude to both men and trees. By adopting this meaning though, it became necessary for him to approach the matter of the origin of evil from a different angle, because the problem arises of having to explain why God created bad plants, generators of bad fruits. Which plants did God define as evil? What is the origin of evil, if it is true that God is the author of good? Why did God create thorns and thistles?[6]

The criterion of evaluation is not unequivocal, but rather it changes notably if one refers to the nature of a plant or, rather, to its utility. All creatures of God

5 "Plante enim proprie loquendo non dicuntur facere fructum, cum factio sit opus artis quod ex racione et voluntate ab artifice sit. Plante autem in se nec voluntatem nec racionem habent et ideo proprie non dicuntur aliquid facere. Licet enim proprie dicatur quod arbor gignit vel producit fructum ex se, tamen non proprie dicitur quod facit fructum, quia non est in eius potestate facere vel non facere (…). Set homines, respectu operum suorum procedencium | ab eis per actum liberi arbitrii, quia talia opera facere vel non facere habent in potestate per liberum arbitrium, et secundum quod disponunt per racionem et voluntatem opera humana operantur et non impetu nature, idcirco ~~sua opera~~ talia opera dicuntur proprie facere," ibid., fols. 301va–301vb.

6 "Si tamen quis velit hoc primum dictum *bona arbor bonos fructus facit* universaliter accipere tam de arboribus et plantis naturalibus, quam eciam de hominibus arboribus comparatis, adhuc hoc dictum Domini veritatem habet de bonis arboribus, id est plantis et ipsarum fructu. Bone enim arbores bonos fructus et utiles proferunt, set secundum dictum Domini, scilicet *mala arbor malos fructus facit*, dubium esset que scilicet arbores hic per Dominum male vocarentur, quod eciam malum fructum haberent producere," ibid., fol. 301vb.

are indeed in and of themselves good if considered according to their nature, but they are judged good or bad with respect to their utility for man.[7] Unlike nature, this parameter of evaluation is strongly relative, since that which is useful in certain situations can prove to be harmful in others; this is attested by certain poisons that, after appropriate treatment, even assume a therapeutic value.[8] The same can be said of thorns and thistles: they are devoid of any immediate utility, but their leaves and their thorns constitute food for animals, which are in turn eaten by man.[9]

Such observations permit the author to introduce important elements for the development of his treatise. Although convinced that the good and bad plants of the evangelical passage represent men, he makes use of the opposite hypothesis to draw a distinction between the immutable and mutable aspects of human beings. Alluding to utility rather than to nature as a criterion of evaluation for good and bad fruits, he effectively distinguishes between relative components, which can be positive or negative according to use and to context, and absolute and immutable components, that is, the nature of a divine creature, which is always positive in itself.

All human beings are subject to the same dualism, being characterized by an immutable nature and a mutable will such that an individual may be characterized from time to time as good or as bad (*bonus vel malus*). If indeed we assume that God, speaking of trees, essentially refers to man, it remains to be explained what happens when there is no correspondence between the roots of their intentions and the fruits of their actions. What happens when a good man performs a bad action, or vice versa, when a bad man does a good deed?

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7 "Sic igitur omnes arbores et herbe, si ipsarum natura consideretur, bone sunt et a Deo bono, naturarum omnium conditore, bone facte sunt. Set si considerentur ut sunt commode vel incommode aliis, tunc nulla est que non sit commoda vel incommoda aliis," ibid., fol. 303rb.

8 "Si vero ista ad commoditatem vel incommoditatem hominis referantur, cum aliqua sunt que immediate ut a natura sunt producta, non aliter per alia in aliam naturam transmutata vel aliter temperata, essent homini nociva et venenosa ac vite humane contraria (. . .), sicut venenum cuiusdam serpentis vocati tyras est homini nocivum per se sumptum et tamen cum temperatur et fit ex eo tiriaca homini convenit si sumatur in viam medicine," ibid., fol. 303ra.

9 "Et inde est quod si spine et tribuli sint mali homini, adesum vel laborem et punctionem ei inferant in cultura agrorum, quod propter hoc sint mali homini ad faciendum ignem ut se calefaciat quando patitur frigus et si talia in nullum commodum humanum immediate proveniret, non tamen mala simpliciter essent, quia aliis quibus vita humana indiget commodum conferre possent, sicut tribuli comeduntur per asinos et multe aves et bestie comedunt folia et fructus spinarum," ibid., fol. 303ra.

How can a good tree produce bad fruit?[10] Drawing many times on Augustine, Fournier places the will—an exclusively human characteristic—at the centre of the exposition: it is responsible for every virtuous or depraved act, and it can change in time such that the same individual can do good or bad according to variations of his or her desire.[11] By anchoring the cause of every action to voluntary choice rather than to the intrinsic nature of a person, the logical contradictions inherent in the metaphor of the tree and its fruit is automatically unravelled: a good plant *can* become bad, just as it is possible for the same plant to generate different fruit, with the will changing in time. By insisting on the centrality of the voluntary act as dependent upon free will, Fournier places the accent on the responsibility of the individual as the protagonist of his own virtuous or depraved choices.

The author focuses his attention on certain misleading opinions formulated with respect to the question of the origin of evil, and with varying results. The treatise thus takes the form of a lengthy digression aimed at confuting certain errors expressed in late antiquity by heretics such as the Pelagians and the Manicheans. Rather than leaving the exposition on an overly abstract level, Fournier prefers to concentrate on a particular example that illustrates the intersection of goodness or malice within the same event. The question of the birth of a child from an adulterous union offers the opportunity to analyze in a concrete situation the causes of the surfacing of evil and their relation to the nature established by God.

The causes that determine the same event can sometimes be different from each other. A fact can have at its roots two opposite principles. This is the case when a child is born from an extramarital affair, which places one before the other, nature (*natura*) and the desire (*voluntas*) of adultery. The outcome is in fact positive, considering the generative nature that God gave man, but it is

10 "Et siquidem accipiatur arbor pro ipso homine operante et fructus pro ipso opere, tunc est sensus quod bonus homo in fide et moribus bonum opus operatur et malus homo in fide vel moribus aut in utroque malum opus operatur, set tunc dubium est quia quandoque contingit quod ille qui bonus fuerat malum opus operatur," ibid., fol. 303vb.

11 "Cum ergo homo habens actum bone voluntatis uno tempore possit alio tempore actum male voluntatis habere, ex quo actu bono vel malo eius voluntas et totus homo denominatur bonus vel malus, idcirco | bene potest esse quod idem homo diversis temporibus dicatur bonus et malus et potest facere fructus bonos et malos, set manente voluntate bona ex qua ipse bonus dicitur non potest facere opus malum, nec manente mala voluntate, id est malo velle, in eo potest facere bonum opus," ibid., fols. 304va–304vb.

negative and depraved with respect to the adulterous desire that gave it rise.[12] Pelagians and Manicheans in fact formed different opinions on the matter, distancing themselves from doctrinal orthodoxy through their judgements on matrimony and on procreation. After having presented their positions, Fournier demonstrates their falsity, almost composing a small treatise within a treatise. In the context of a long exposition regarding the origin of evil, understood above all as heretical evil, he introduces a specific example aimed at attesting the intersection of natural and volitional causes, and he takes advantage of the digression to refute particular errors of Manicheans and Pelagians. Heretical evil thus opens an impressive deliberation that is organized on many levels, now constituting the principal subject of a treatise on notions of free will and individual responsibility, and now weaving its way through an illustrative digression centered on specific doctrinal errors.

In effect, observes Fournier, Manicheans and Pelagians had interpreted the same passage from the Gospel of Matthew ("the evil tree bringeth forth evil fruit . . ."), but they arrive at very different conclusions. On the basis of their dualistic vision, Manicheans attributed the origin of nuptials to a wicked God, believing matrimony to be the evil tree and children born of matrimony to be evil fruit. On the contrary, Pelagians viewed nuptials positively, considering the trees good since they were instituted by God, yet believing that children born within matrimony were not stained with original sin, but rather totally innocent, given that a good plant cannot produce bad fruit.[13]

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12 "Sicut potest esse quod habens voluntatem adulterandi generet filium, qui filius non est actus | nec opus male voluntatis eius, set bone nature quam condidit Deus. Non enim ex voluntate adulterandi vel a tali voluntate filius generatur, alioquin quando vellent et ut vellent et quales vellent homines filios generarent, cuius tamen contrarium manifeste apparet. Unde talis habens voluntatem adulterandi, licet sit malus, talem malam voluntatem habendo, tamen non generat filium malum set bonum, quia filii generacio non procedit a voluntate adulterandi, set ab ipsa virtute nature quam condidit Deus. Set bene actus adulterii qui procedit a voluntate adulterandi malus est in eo quod defectuosus est, licet sit bonus in eo quod quedam actio est que secundum genus nature consimilis est actui quo legitimi filii generantur. Set secundum quod talis actus viciosus est, a mala voluntate procedit, scilicet a voluntate adulterandi, et ideo talis actus malus est," ibid., fols. 304vb–305rb.

13 "Ex quo due hereses ex eodem fonte venientes, set inter se dissidentes in conclusione, manichei enim qui nupcias dicunt esse malas et a malo deo factas et introductas, ex hoc quod Dominus dicit *mala arbor malos fructus facit*, dixerunt quod filiorum generacio qui provenit ex opere nupciarum mala erat; pelagiani autem qui dicebant bonas nupcias esse et a Deo institutas, dicebant quod filii geniti per eas peccatum originale non habebant, set erant totaliter innocentes, quia ut dicebant *bona arbor non facit nec potest facere fructum*

The refutation of these errors becomes an opportunity for Fournier to further clarify the relation between trees and fruit, and to re-establish the centrality of original sin and free will in Catholic doctrine on the origin of evil. Adam's guilt, Fournier reaffirms, is transmitted to all unborn children even though the nature that God gave to each one of them is good. It is an evil tree whose evil fruit cannot but be transmitted across ensuing generations until Final Judgement.[14] With respect to this doctrine, the error of the Pelagians stands out immediately; according to them, human progeny is immune from original sin. Original sin is transmitted to every newborn, independently of the goodness of nature that God gave humankind. Having inserted a digression on the doctrines of Pelagius into the commentary, Fournier dwells at length upon the transmission of Adam's guilt. Again recalling the image of trees and fruit, he illustrates the manner in which the bad roots of disobedience are born and original sin is transmitted within human issue.[15]

On the other hand, Fournier makes important integrations, countering the Manichean doctrine according to which man possesses two rational souls: a good one responsible for virtuous action, and an evil one, the cause and beginning of depraved deeds. Referring widely to Augustine (*De duabus animabus, De sermone Domini in Monte*),[16] the cardinal refutes the idea of the double soul.[17] He emphasizes that such a dualism would preclude the very notion

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malum, uterque autem non intelligendo hoc Domini dictum in errorem incidit," ibid., fol. 305rb.

14 "Filii non contrahunt peccatum originale racione bone nature quam Deus condidit, nec racione personarum generancium, nec racione humani seminis, quia omnia ista bona sunt, set in eo quod Adam peccando contra Dei preceptum comedens de fructu ligni vetiti perdidit originalem | iusticiam que sibi pro se et pro omnibus ab eo per seminalem viam descendentibus collata a Deo fuerat," ibid., fols. 306ra–306rb.

15 "Quod ergo Pelagius dicit quod bona est natura humana de qua proles nascitur, bona est discretio sexuum, bona est commixtio seminum, quia omnia hec a Deo facta sunt, unde ergo in prole potest esse originale peccatum? (. . .) Quia merito peccati inobediencie mens hominis perdidit obedienciam quam habebat semper super carnem et sensualitatem suam (. . .). Idcirco in ipso semine ex quo homo generatus carnaliter est hec infectio et nature infirmitas, ex qua infectione et infirmitate a patre naturam corruptam tradente proli et infectam vicio concupiscencie, contrahitur peccatum originale in prole. Et sic ex mala | radice inobediencie primo et postea inordinate concupiscencie malus fructus, id est peccatum originale, nascitur in prole," ibid., fols. 307vb–308ra.

16 Augustine of Hippo, *Retractationum libri duo* 1.15, *Contra Manichaeos, de Duabus animabus liber unus* 1, PL 32: 608; Id., *De sermone Domini in monte secundum Matthaeum libri duo*, 2.24.79, PL 34: 1305.

17 "Unde manichei, videntes quod unus homo quandoque facit mala opera, quandoque bona ut assignarent causam quare facit bona opera et quare facit mala, dixerunt quod

of sin and penitence, since one could not impute guilt to a soul that, being wicked by nature, cannot do otherwise than choose evil: "no one indeed sins in that which they cannot not do."[18] On the contrary, the soul is one, it is good by nature in as much as God creates it, but notwithstanding this, it can live righteously or perversely (*recte vel perverse*).[19]

How then can a soul that is good by nature give rise to bad actions? The concept of sin eliminates the possibility that such a change derives "from some superior, inferior, or equal force"—that is, God, the sky and the position of the stars, or the angels—which would distance the agent responsibile for the error from the soul itself.[20] The origin of every bad fruit, the author once again stresses in the commentary, resides instead in individual desire—in a mutable will (*voluntas mutabilis*) that can choose now good, now evil, and that is defective (*defectiva*) because it is itself the cause of evil. Sin is therefore born in the moment in which the soul decides through free will to pass from the highest to the very lowest good, producing bad fruit through a defect of will. Intention can in fact change and it is the cause of opposite actions.[21]

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due erant racionales anime in homine, una mala, facta et producta a Deo tenebrarum, que anima, quia erat mala a Deo malo producta, non poterat facere nisi mala opera, quia arbor mala non potest facere fructum bonum set semper facit malum," Troyes 549, IV, fol. 308rb.

18 "Si illa anima que naturaliter est mala non possit abstinere se a peccato, liberum arbitrium non habet, quia non libere potest abstinere ab | illo peccato quod iusticia vetat, et per consequens non peccat. Nullus *enim peccat in eo quod vitare non potest* [Augustine of Hippo, *De libero arbitrio*, 3.18.50, PL 32: 1295] et sic dicta anima mala non posset dici peccare et per consequens nec vituperio nec damnatione aut aliqua punicione digna esset," ibid., fols. 308vb–309ra.

19 "Sic ergo per istas duas arbores bonam vel malam non intelligit Dominus duas animas, unam | naturaliter bonam et aliam naturaliter malam, set intelligit unam et eandem animam que transmutari potest de bono in malum moraliter et econverso propter mutabilitatem humane voluntatis que dum bona est, bona opera facit, et quando a bono ad malum convertitur, mala opera facit," ibid., fols. 309va–309vb.

20 "Cum ergo in homine non sit nisi una anima racionalis qua recte vel perverse vivitur et illa anima in sua natura sit bona, mirum videtur secundum hoc Domini dictum quomodo bona arbor, id est bona anima, naturaliter possit facere fructus malos, id est opera mala, et siquidem, id est ab aliqua virtute superiori vel inferiori aut equali, necessitas imponeretur alicui anime quod non faceret nisi malum opus, sicut quod a virtute superiori, ut vel a Deo, vel eciam ab angelo, vel celo (. . .), tunc huiusmodi peccata non debent imputari tali anime, set illi cause qui talem necessitatem male agendi eidem impressisset," ibid., fol. 309vb.

21 "Et ex hac mala voluntate deficiente a bono meliori et adherente bono inferiori oriuntur mala opera, sic igitur nulla natura, in eo quod est natura, est causa efficiens peccati, set

Fournier thus refers back to the beginning of the treatise, where he specified that good actions by category (*ex genere*) can in reality be bad by intention (*ex intencione*), and he underscored the centrality of intentions and the difficulty of probing their character, which is often inscrutable, known only to the agent and to God.[22] Coming full circle in the conclusion of the first section of treatise 100, he reaffirms with insistence the importance of voluntary choice in determining actions. Man is thus catapulted into the centre of the treatise that investigates the roots of evil in the relation between original sin and free will. If his handling of similar questions had left space for the formulation of deviant doctrines, such as those of the Pelagians and the Manicheans, the exegete's task is now to re-establish the margins of orthodoxy by reaffirming the existence of one soul, by distinguishing nature from will, and by clarifying the centrality of voluntary and conscious choice in giving rise to good and bad actions.

The construction of the treatise from a sound theoretical dimension that is universally valid, does not, however, put aside the centrality of a very specific thematic nucleus: questioning the origin of evil and the importance of free will, Fournier has in mind the danger and the threat constituted by heretical evil above all. For this reason, he ties the preceding digression to the specific case of heretics and hypocrites:

> Because heretics and hypocrites do what they do motivated by perverse intention (…), they are bad trees from which proceed bad actions and from these actions masters of the Church can recognize them.[23]

Ultimately, the investigation of the origin of evil helps to resolve a specific question that has already been amply addressed: Is it valid to trace the roots of a plant back from its fruit? Is it possible to recognize heretics from their actions and their words? After having furnished the *magistri* of the Church with all the signs by which one can recognize the heretical tree, Fournier also justifies, on the theoretical plane, the legitimacy of this undertaking. The will emerges as the distinctive element: the villainous intention of heretics is in fact such that it characterizes them as bad trees and determines the character of their fruits.

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causa peccati est defectus voluntarius peccantis, qui dimisso summo bono adheret infimis bonis, propter quod de natura aliqua non dicitur quod sit arbor mala in eo quod est natura, set talis defectus voluntarius facit arborem malam," ibid., fols. 310va–310vb.

22 Cf. chapter 2, ibid., fols. 300va–301rb.

23 "Et quia heretici et ypocrite illa qui agunt perversa intencione faciunt ut supra dicebatur, idcirco male arbores sunt ex quibus mala opera proveniunt, et ex dictis operibus malis per magistros Ecclesie cognosci possunt," ibid., fol. 311va.

It is, as a consequence, a legitimate means of proceeding that permits masters of the Church to recognize them from their actions.

8.2 The Origin of Evil by Reason of Possibility

The passage "A good tree cannot bring forth evil fruit, neither can an evil tree bring forth good fruit" (Matt. 7.18) permits a further development in the logical construction of the treatise. As Fournier observes, it shifts the accent from that which is true in fact (*de facto*) to that which was true in possibility (*de possibili*), eliminating all doubt that an evil fruit might be produced by a good plant. This signifies for Fournier analyzing in depth, from a different angle, the lengthy deliberation he began on the origin of evil, on the importance of free will, on intention and individual responsibility in the choice of error—which he understood above all as heretical error, as we have seen.[24]

Even if one concedes that many possible things do not in fact happen, the author immediately observes, it can never be that something impossible actually happens. But what, exactly, is impossible? If it is certainly impossible for a bad fruit to be born from a good plant (and this was amply demonstrated), can it happen, by contrast, that a good tree becomes bad? Such a question is not of minor import since it once again leads to confronting the possibility or impossibility of religious conversion. It is essential that a reflection founded on the exegesis of the scriptures justify the possibility of conversion or of apostasy. How does it happen that a good tree becomes bad? Is the conversion of infidels possible? Which agents intervene in this fundamental transition? To these questions the cardinal exegete must add another one in which he delineates the urgency to assign to the Catholic Church and to its ministers a clear function in the repression of heresy: What is to be done with evil trees? How ought one to use the Church with respect to those who have indulged the inclinations of a defective will?

The possibility of conversion or apostasy is attested by numerous scriptural examples. Fournier's exposition of these cases is preceded by a clarification: God does not state that a good tree cannot become bad, but He limits himself

24 "Quia ergo multa sunt que fieri possunt et esse, que tamen non fient nec erunt, idcirco Dominus, postquam dixerat quod *arbor bona facit fructum bonum et arbor mala fructum malum* de inesse, deducit hoc idem de posse, dicens quod *arbor bona non potest fructus malos facere, nec arbor mala potest bonos fructus facere*, ut ostendat quod non solum sic est de facto, set eciam de possibili," ibid., fol. 312ra.

to affirming that a good tree cannot produce bad fruit, meaning that it cannot do so *as long as* it is good, just as a fornicator cannot be chaste so long as he perseveres as such. The evidence gathered in the sacred texts thus offer an answer to the questions raised by Fournier regarding the transformation of good plants into evil ones, demonstrating that the conversion of infidels and the perversion of the faithful are in fact possible.[25]

It is necessary to analyze the cause and the modes of such occurences. Even though they mirror each other, conversion and perversion do not necessarily call the same agents into cause. While a good man can turn into an evil one by the sole intervention of his own will, the conversion from evil to good requires the intervention of God's grace.[26] It is necessary, however, for the sinner to receive divine grace through his assent to transform from an evil plant into a good one. Divine intervention and individual will thus compete for the possible transformation from evil into good. To nurture hope in this change, God does not deny that a bad tree might become good, but rather He affirms that a bad plant cannot produce good fruit so long as it remains bad, that is, as long as it persists in its malicious will.[27]

The conversion of infidels is thus possible. The proof of it can be traced in scriptural examples, and it is inserted in the Christian doctrinal system of original sin and the relation between grace and free will. The exegete-theologian makes use of a sound logical elaboration that draws upon the language and reasoning of Aristotelian physics, which he openly cites in the commentary to better interpret the meanings undergirding the evangelical passage. The connection between trees and fruits reproduces in Fournier's reading the link

25 "Dominus non dicit *Non potest arbor bona mala fieri, nec arbor mala bona fieri*. Tunc enim negasset omnem hominis conversionem vel perversionem, cuius contrarium scriptura dicit. Saul enim et Ionas reges, prius boni existentes, perversi facti fuerunt postea et Saulus, prius malus existens, conversus est in bonum (…), quia ergo ille qui bonus fuit, dum in presenti seculo in hac vita mortali vivit, potest fieri malus et ille qui malus fuit potest fieri bonus et voluntas que fuit perversa potest fieri recta et que fuit recta potest fieri perversa," ibid., fol. 312rb.

26 "Licet autem homo qui bonus est vel fuit possit per se se convertere in malum ut de bona arbore fiat mala per solam arbitrii libertatem (…), non tamen sic est totaliter positum in hominis voluntatem in adultis quod de malo homine fiat bonus, set necessaria est divina gracia, qua cor peccatoris moveatur," ibid., fol. 312vb.

27 "Quamvis autem conversio nostra, qua convertimur de malo in bonum et de peccatoribus efficimur iusti et de malis arboribus bone, non fiat principaliter per liberum nostrum arbitrium, set per Dei graciam, tamen in adultis hec conversio non fit nisi liberum arbitrium consenciat divine vocationi et mocioni, quibus tangitur cor peccatoris ut ad Deum ipsum convertatur," ibid., fol. 313va.

between the will and actions of man, both of which are described and analyzed according to the filter of the dichotomies form-action and potency-act. Recourse to this logical device is aimed at thoroughly explaining, from a theoretical point of view, the possibility of change in individual desire. According to Aristotle, in fact, man—like any other matter—can potentially assume an opposite form. For example, even if a white man remains white and he is not black, he can nevertheless potentially receive blackness. In light of these considerations, Fournier observes that such a change in form also involves the will, which he defines in terms of the "potency of the soul" (*potencia anime*): it can be good or bad and not change, but it can potentially assume the opposite form. It is from actions—good or bad—that the will, translated into action, is recognized and identified as good or bad. Yet, such an identification is not necessarily definitive, since a man is potentially liable to do the opposite, though accomplishing virtuous actions. If the will is subject to possible changes in form, it is nevertheless recognizable in the actions to which it gives rise. There is in fact a direct causal correlation between the act internal to the will (*actus interior voluntatis*) and the external act commanded by the will (*actus imperatum voluntatis*), both being expressions of desire—one potentially, the other, actually: if the former is good, so too must the other be.[28]

This connection requires further clarification. Since the recognition of good Christians from their actions rests upon it, or vice versa, that of sinners and heretics, the link must be attentively clarified and thoroughly examined. The will, Fournier points out, can in fact determine the quality of an event completely

28 "Licet enim una forma contraria non possit fieri alia contraria, sicut albedo numquam fit nigredo nec fieri potest, tamen subiectum in potencia est recipiendi formas contrarias et manente ipso uno et eodem susceptivum est contrarium formarum, ut patet 1 *Phisicorum*, unde homo vel quecumque substancia prima subiecta uni forme contrarie in potencia est recipiendi contrariam formam. Licet enim homo albus potest esse niger, quia in subiecto manet potencia eciam dum existit sub una forma contraria quod possit esse sub contraria forma, et inde est quod homo albus manens albus non est niger, potest tamen esse niger, quia in eo potencia est ad recipiendum nigredinem. Et eodem modo voluntas, ut est potencia anime, subiectum boni actus vel mali, a quo actu bono vel malo denominatur bona vel mala (…), est tamen in potencia recipiendi actum malum eciam quando est sub actu bono (…). Et quia actus interior voluntatis bonus vel malus, id est bona vel mala intencio est principium actus imperati, idcirco si bona sit voluntas, id est actus voluntatis quod importatur [*corr.* imperatur] per velle et opus imperatum per ipsum velle bonum erit nec poterit esse malum moraliter, et si sit malum velle et opus imperatum per tale velle de necessitate malum erit (…). Actus enim imperatus voluntatis semper habet sibi convinctum actum elicitum voluntatis a quo nullomodo separari potest," ibid., fols. 314ra–314rb.

or only in part, appearing as the principal cause or only as the instrumental cause. There are in fact numerous cases in which an individual's bad intention acts only incidentally upon the outcome of an event determined by a principal cause that is positive. Fournier introduces the case of baptism imparted by a heretic in the name of the Church to exemplify a similar situation: despite his bad intention, the minister who baptizes cannot contaminate the nature of the sacrament in as much as it is not he, but rather Christ, who is the principal actor of baptism. If an action proceeds entirely from evil desire it therefore cannot but be bad. If, instead, it proceeds principally from a good agent and secondarily from a negative one, it can be considered good.[29]

The recognition of trees and fruits thus involves a cautious evaluation of principal and secondary causes, as well as the direct or accidental consequences of an event. A good fruit that contains within itself secondary negative implications does not come from a bad tree. From a good tree only a good action can proceed, Fournier stresses, even if by accident something bad might derive from it.[30] Offering *magistri* of the Church instruments of evaluation that are attentively drawn from the Scriptures and from patristic sources, Fournier emphasizes the correspondence between the quality of a plant and its fruit, yet he puts them on guard against the facile confusion between principal and accidental properties, between causes, agents, and consequences of various orders. He therefore arranges a well-structured body of information to render the discernment of the evil plant of heresy more precise, constructing a sound theoretical device that could support the defense of orthodoxy in all eras.

His emphasis on the possibility that a good tree might become bad and a bad one good refers to the recognition of plants in terms of individual responsibility in religious choice. The author of the commentary therefore explores the scriptural and theoretical foundation of conversion—to good and to

29 "Est tamen attendendum quod illud opus quod ex mala voluntate vel ex malo velle alicuius totaliter procedit non potest esse bonum. Set si non totaliter opus exterius procedat ab ipso operante, set alius ei ut principaliter cooperetur et ipse ministerialiter dictum opus agat, licet illud opus ut procedit a tali habente malum velle non sit nisi malum, tamen in se bonum opus esse potest ut comparatur ad illum qui tale opus principaliter operatur (. . .). Licet eciam hereticus in forma Ecclesie det baptismum habens perversam intencionem, ut scilicet baptizatum sue heresi adiungat, tamen quia ipse non est actor principalis baptismi, set ipse Christus, qui quocumque ministro baptizante baptizat in spiritu sancto, talis baptismus non est malus set bonus," ibid., fols. 314va–314vb.

30 "De bona vero arbore, id est bona et recta intencione, non potest procedere nisi bonum opus quod est ex intencione agentis, sed si per accidens vel per aliud malum exinde proveniat, non est imputandum illud malum bone intencioni quam habuit | operans quando illud egit, set malicie aliorum," ibid., fols. 315va–315vb.

bad—anchoring them above all in the will of individuals, which is united with divine grace in the case of conversion toward the good. Emphasizing the intentionality of the orthodox option or of the deviant one naturally means having to weigh the consequences of such a choice by outlining appropriate responses to merits and to faults.

8.3 The Condemnation of Bad Plants

Once he has clarified the responsibility of the individual in distancing men from the faith, the cardinal evaluates the responses that the *magistri* of the Church should devise for those who deviate from truth. The centrality of heretical danger in the construction of the treatises examined here reflects the importance assigned to faults, rather than to merits, in the final part of treatise 100. Fournier in examines above all the reaction that the Roman Church (to the leadership which he would rise a few years later) should implement with respect to evil trees—a response that ought to be all the more decisive given the danger that good plants might be contaminated. The need to safeguard the innocent renders repressive intervention all the more urgent and pushes the exegete to explore possible answers on the scriptural plane. How should one position the ecclesiastical hierarchy against those who refuse conversion or who embark upon the path of perversion?

While ecclesiastical tribunals put consolidated methods of anti-heretical repression into effect, biblical exegesis sought and identified elsewhere the foundations of a tenacious battle in defense of orthodoxy, forcing Fournier to sound out in light of the Gospels the means of a conciliation between the ways of repression and those of forgiveness. The immediately subsequent verse in the Sermon on the Mount constitutes the connective tissue of the numerous questions Fournier had just raised, and he examines its meaning attentively in the concluding chapters of the treatise.[31] The harshness of the fate reserved for all trees that do not produce good fruit is expressed peremptorily in the passage "Every tree that bringeth not forth good fruit, shall be cut down, and shall be cast into the fire" (Matt. 7.19). Along the lines of the as yet constructed exposition, Fournier does not hesitate to identify a single category in the bad trees, that of heretics and hypocrites. He refers to them exclusively in commenting on the passage in question in which he analyzes the parameters of the punishment they incur.

31 Chapters 20–23, ibid., fols. 315vb–318ra.

According to Fournier, the threat that bad plants will one day be cut and burned assumes a function that is at once comforting, dissuasive, and corrective. Such a perspective contributes above all to consoling those pusillanimous believers who complain that they do not see the wicked punished in the present life. The evangelical passage in fact warns the latter that divine justice will befall them: although they might escape earthly punishment, heretics will not remain unpunished since God himself will be the artificer of their condemnation.[32] Additionally, the threat that all evil plants will be cut and burned plays a dissuasive role for the same heretics who, through fear of divine punishment, will refrain from committing evil. The chastisement thus fulfills a preventative function as well as a punitive one. The more severe the condemnation proposed for heretics, the greater the probability that they will limit their deceptions.[33] In the best of all circumstances the harshness of the punishment destined for them could lead them to conversion, pushing them to abandon the path of error, succeeding where preaching and religious instruction had failed.[34]

The warning that divine justice will strike down all bad plants contributes therefore to consolidating the faith of good Christians and to limiting the spread of heresy by dissuading the ravenous wolves from committing worse evils, or by redirecting them into the channel of the Catholic Church. These observations do not detract the commentator from highlighting the eminently punitive purpose of the excision and the blaze that will consume the evil plants. In his opinion, there is no doubt that the punishment threatened by the Lord is destined "especially for heretics," who are different from the just, but also from common sinners.[35] The latter will not in fact incur thorough destruction, but will be punished in the present age before being welcomed

32 "Unde quando tales pusillanimes audiunt quod non sine pena et magna Deus tales hereticos et ypocritas transire permittet, aliquomodo consolantur, quia sciunt quod ex quo Deus dicit se eos graviter punituros, quia ut dicit *excidentur et in ignem mittentur*, levius et facilius eorum infestacione portant quam si nescirent quod de malis que contra eos agunt a Deo punirentur," ibid., fol. 316ra.

33 "Valet eciam talis comminacio ipsis hereticis et ypocritis ut non agant tot mala quod facere vellent et possent, timentes duram Dei punitionem in cuius manu horrendum est incidere," ibid., fol. 316ra.

34 "Valet eciam ipsis hereticis huiusmodi pene gravitas ut attendentes ad penam eis debitam et infra breve tempus nisi a suo errore convertantur a Deo infligendam animentur ad conversionem, revertentes a devio erroris ad semitam veritatis," ibid., fol. 316ra.

35 "Est tamen attendendum quod specialiter hereticis penam excisionis radicitus Dominus comminatur, non sic autem eam comminatur iustis vel multis aliis peccatoribus," ibid., fol. 316va.

into eternal peace. The simile constructed around the trees intervenes again to clarify their condition: these plants are in fact pruned so as to separate the living portion from the dead, in a manner such that the trunk and the roots will grow new branches, leaves, and fruit. The vivifying nature of this excision is reflected in the severe earthly punishments inflicted on sinners directly by God or through other men. This is not a matter of destruction (*destructio*), but rather of improvement (*melioracio*), since the punishment pushes sinners toward redemption, and their plant, whose roots and trunk remain alive, will turn green again in eternal repose.[36]

On the contrary, the excision (*excisio*) destined for heretics consists in their complete annihilation. A series of verbs (*valde cedere vel extra cedere aut destruere vel evertere*) intervenes to specify the depth of the destruction, which is aimed at uprooting the evil plant so that it cannot sprout again. Heretics are moreover considered rootless, having neither faith nor charity—the origins of every good deed—and, similar to autumnal trees, they are fruitless and "twice dead" in as much as they are extirpated from eternal beatitude. While Fournier leaves open the parameters within which one might effect the redemption of other sinners in this age, he does not identify any space wherein heretics might be rehabilitated. As it indeed emerges from the Scriptures, their plant will be annihilated and nothing will remain that might nurture the hope for its new germination.[37]

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36 "Sicut enim aliquarum arborum frondes exciduntur ut ex tali excisione proficiant, vel ut vivum a mortuo separetur remanente trunco et radice, quibus manentibus adhuc arboret, frondet et folia et fructus producit (. . .), ita eciam contingit in hominibus vel peccatoribus, qui a Deo in presenti seculo vel permittuntur a malis interfici, vel eciam ab ipso Deo multum affliguntur. Multi enim iusti ut purgentur a peccatis et ut ad meliora proveniantur in presenti seculo graviter puniuntur," ibid., fol. 316va; "Et ideo non proprie potest dici quod ista eius excisio sit totalis eius destructio, ymo est eius melioracio, quia non exciditur radix eius, qua manente, excisis ramis eius, rursum pullulat," ibid., fol. 316vb.

37 "Excisio autem significat rei excisi perfectam destructionem. Excidere enim significat valde cedere, vel extra cedere, aut destruere, vel evertere, que omnia important perfectam destructionem excisi, quia non queritur de exciso aliqua eius utilitas, set sola destructio vel eversio, ut aliquis proficiat quod exciso nocivum est. Unde quando radicitus arbor evertitur vel a radicibus destruitur, tunc proprie | vocatur arbor excisa, quia ex quo radices eius excise sunt, nulla spes vel fiducia manet quod de cetero arbor pullulet, vel aliquem fructum vel folia germinet. Et quia heretici fidem et caritatem, que sunt principia bonorum operum, non habent, ideo dicuntur non habere radices. Unde et in epistola inde dicuntur heretici *arbores autumpnales, infructuose, bis mortue, erradicate* [Jth. 1.33]," ibid., fols. 316vb–317ra.

The words of the Lord therefore possess a comforting importance for those who see heretics prosper in earthly life without succumbing to any punishment. Even though they are prosperous and exempt from all punishment in the present age, heretics will not in fact escape the judgement of God. He will cut them off from eternal glory, delivering them to the flames of Hell. The prosperity obtained on earth by these wicked ones will therefore seem pitiful in comparison to the eternal evil to which they will be subjected after death.[38] The excision of heretics will be welcomed with great joy by the just who, once they have passed on to eternal beatitude, will identify, from their eternal punishment, the true constitution of those who seemed to have been happier than they were in life. In this sense, too, Fournier comments, one can understand the passage "By their fruits you shall know them" (Matt. 7.16). It is not only the bad deeds committed by them in the course of their earthly existence, but also and even more so the eternal pain reserved for them *post mortem* that will prove the true nature of these very bad plants.[39]

Yet, are we to consider from Fournier's reading that the punishment amply described in the closing of the treatise will only befall heretics *post mortem*? Perhaps the cardinal, who had already been at the head of an ecclesiastical tribunal, did not believe that the excision of heretics could even be resolved in the context of earthly justice? In the full fervour of the fight put into effect by inquisitorial tribunals, the reference to flames that closes treatise 100 seems to refer, quite grimly, to the intervention of the secular arm and to the condemnation of impenitent heretics to the stake. This allusion is strengthened by the coincidence traced throughout the treatise between bad plants and heretics, which cannot but evoke the end point of the inquisitorial process. Addressing himself to *magistri* as defenders of orthodoxy, the cardinal dwells at length upon the need for evil trees to be cut, extirpated down to their deepest roots, and burned until they are completely annihilated. The urgency to physically eliminate heretics was furthermore apparent on many occasions in other

38 "Potest eciam hoc dictum Domini induci ad consolandum fideles suos si videant quod in hoc mundo heretici et ypocrite floreant et prosperentur, nec aliquid malum penale eis in vita presenti eveniat, quia licet in presenti seculo ita prosperentur, tamen Dei iudicium non effugient, quia ut dicit *Omnis arbor que non facit fructum bonum excidetur et in ignem mittetur*, quia omnes heretici in morte vel post mortem excidentur a vita glorie et in ignem inferni mittentur et cum vita hominum sit multum brevis, hec punicio eorum non tardabit," ibid., fol. 317rb.

39 "Quando ergo tales mali de hoc seculo exeunt, iusti qui iam sunt ibi, videntes eorum supplicia, quia excisi sunt a regno Dei et in ignem eternum missi, cognoscunt quales tales hic fuerunt. Quando eciam iusti de hoc seculo transeunt, videntes illos in dictis penis qui in hoc seculo visi fuerant ceteris esse feliciores, cognoscunt quales fuerunt," ibid., fol. 317va.

parts of the commentary. As demonstrated, in treatise 98 Fournier points out the need to "exterminate" the heretic (*exterminandus est*) when every other attempt to obtain conversion had failed.[40] In treatise 99, he qualifies the image of heresy as an absolute evil, to be extirpated and annihilated completely.[41] There is no doubt, then, that while he analyzes the means and the reasons of the excision destined for heretics, the author has in mind a double model—worldly and otherworldly—of this annihilation: the flames of eternal destruction will repeat without end the punishment effected on numerous stakes that, in Fournier's own time, extinguished the earthly existence of many heretics. Still the author of the commentary seems to privilege here the eschatological interpretation of the evangelical passage. Affirming that every bad plant will be cut down and thrown into the fire, the Lord foretells, in Fournier's opinion, the eternal castigation of heretics and their extirpation from eternal beatitude. Once again the treatise adheres to the requirements of the exegetical text: while the coincidence between evil plants and heretics is clear, their destruction is not ultimately settled in the procedure that culminates in an appeal to the secular arm, but rather it seems deferred to Judgement Day. Basing himself on a rigorous exposition of the Scriptures, Fournier interweaves and confounds the time that runs from Revelation to Final Judgement with a dimension circumscribed by the period in which he lives—a time that he perceives as troubled by the secret intrigues of numerous sects and disturbed by the eternal echo of ravenous wolves threatening the fold of Christ.

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40 See Chapter 6, 188–9. For a consideration of the term *exterminatio* in ecclesiastical law, see Giovanni Miccoli, "La storia religiosa," in *Storia d'Italia: Dalla caduta dell'impero romano al secolo XVIII* (Turin: Einaudi, 1974), 11.1: 689–707.

41 See Chapter 7, 214–6.

PART 3

The Papacy against Heretics

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CHAPTER 9

Heretics, Rebels, and Schismatics in the Pontificate of Benedict XII

On 13 December 1334, only a couple of days after the death of John XXII, twenty-four cardinals gathered in conclave at the papal palace of Avignon. By the end of the week, they had unanimously elected Jacques Fournier as leader of the Roman Church. On 8 January 1335, the "White Cardinal" ascended the papal throne with the name of Benedict XII.[1] According to Villani, the election was arduous and Fournier's name was proposed "almost as a dare, believing that it would not be done": the choice of one "regarded as the lowest of the Cardinals" thus astonished many, owing above all to the new pontiff's inexperience in politics. The Florentine chronicler added: "And once he was elected Pope, everyone was surprised, and he himself, who was present, said: 'You have elected an ignoramus (*asino*).'"[2] In contrast to Villani's anecdote, most biographies of Benedict XII underscore the intellectual stature of the Cistercian pope, who was a Parisian-trained theologian of acclaim.[3] His contribution to the defence of doctrinal orthodoxy peaked following his promotion to cardinal when he became *magister sacri Palatii*, that is, the pope's official theologian. It is for this reason that the cardinals who gathered in conclave following the death of Jacques Duèse saw in the Cardinal of Saint Prisca the person best prepared to address the most pressing matters of the Church and of Latin Christianity at that time: resolving the controversy of the beatific vision, settling the papacy's dispute with Louis the Bavarian and Italian rebels, repressing 'dissident' Minoritism, and organizing a crusade in the Holy Land.

1 Étienne Baluze, *Vitae Paparum Avenionensium, hoc est, Historia Pontificum Romanorum qui in Gallia sederunt ab anno Christi 1305 usque ad annum 1394* (Paris: Muguet, 1693), 1: 197–244, 796–829; *Dizionario Biografico degli Italiani* (Roma: Istituto della Enciclopedia Italiana, 1966) 8: 378–84; *Dictionnaire d'Histoire et Géographie Ecclésiastique* (Paris: Letouzey et Ané, 1935), 8: 116–35; *Dictionnaire de Théologie Catholique* (Paris: Letouzey et Ané, 1932), 11: 653–704; Palémon Glorieux, *Répertoire des maîtres en théologie de Paris au XIII^e siècle* (Paris: Vrin, 1933–34), 2: 370; Guillaume Mollat, *Les papes d'Avignon* (*1305–1378*) (Paris: Lecoffre, 1950), 48–63; Bernard Guillemain, *Les papes d'Avignon, 1309–1376* (Paris: Cerf, 1998).

2 Giovanni Villani, *Nuova cronica*, (ed.) Giuseppe Porta (Parma: Fondazione Pietro Bembo-Guanda, 1991), c. 11.21.

3 Baluze, *Vitae Paparum Avenionensium*, 1: 197.

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John XXII died in 1334 after having guided the Church for over eighteen years. He left the newly elected Benedict XII a difficult legacy. The profound divisions experienced during John XXI's pontificate had attracted heated debates and acts of open rebellion toward the Apostolic See that were increasingly equated to heresies—as if the ecclesiastical institution sought to strengthen its own internal cohesion by excluding its opponents and dissidents. In first half of the 1300s, heretical movements that had been viewed with increasing alarm in the previous century were declining in number. This reduction was paradoxically accompanied by the impression that heresy was definitively expanding. After an illusory recovery in Languedoc toward the beginning of the fourteenth century, the churches of 'good Christians' were waning. Waldensian groups were becoming increasingly clandestine and isolated. The death of Dolcino of Novara and the armed defeat of his companions at the beginning of the fourteenth century had marked the fortunes of the Apostolics' religious experience. Despite the decline of the greatest 'heresies' in the latter half of the Middle Ages, the ecclesiastical hierarchy did not cease to worry about that which they continued to perceive as a grave threat to the Church and to the faithful.

Papal intervention in the first thirty years of the fourteenth century played a decisive role in the isolation of new 'errors' and in the transformation of communities born in the bosom of orthodoxy into dangerous 'sects.' The Council of Vienne was inaugurated by Clement V in 1311. It marked an important change in this direction by pushing previously tolerated opinions and religious practices into the realm of heresy. The assembly codified suspicions and hostilities that had long existed toward the Beguine community in German areas into decrees of condemnation, instituting their suppression and attributing to them the presumed Free Spirit heresy.[4] Ceding to pressures from the king of France, Clement V additionally decreed the suppression of the Order of the Temple. Though avoiding an open condemnation of the Templars for heresy, this measure would usher in for them a new period of trials and persecutions.[5]

Maintaining continuity with the Council of Vienne, the canons of which he promulgated in 1317, John XXII adopted a line of firm intransigence toward all expressions of religious non-compliance. As we observed in Chapter 5, under

4 Robert E. Lerner, *The Heresy of the Free Spirit in the Middle Ages* (Berkley: University of California Press, 1972); Romana Guarnieri and Jacqueline Tarrant, "The Clementine decrees of the Beguines: Conciliar and Papal Versions," *Archivum Historiae Pontificiae* 12 (1974): 300–8.

5 Among the many studies on trying Templars, see Malcolm Barber, *The Trial of the Templars* (Cambridge: Cambridge University Press, 1993); and Barbara Frale, *L'ultima battaglia dei Templari. Dal codice ombra d'obbedienza militare alla costruzione del processo per eresia* (Rome: Viella, 2007).

the impetus of Jacques Duèse, the Church underwent renewed doctrinal stiffening upon the guidance of numerous theological consultations that further broadened the semantic field of heresy and identified new forms of dissent. In this context, the Spirituals slid toward positions ever more irreconcilable with the Roman Church and they suffered condemnations and persecutions. For the first time, magical practices and invocations of demons were deemed 'heretical acts.' Duèse would next draw into the realm of heresy the very ideal of evangelical and Franciscan poverty upheld by the leadership of the Minorite order, which a year prior had defended the doctrine of absolute poverty of Christ and of the Apostles. In subsequent years, many individual trials condemned authors who had supported a radical conception of evangelical poverty or who had called into question the absoluteness of papal powers.[6]

The conflict between the papacy and the Empire was intertwined with the anti-Avignonese line of Louis the Bavarian, his alliance with Italian Ghibellines, and the protection he offered eminent friars who opposed the pope. It soon catalyzed debates surrounding John XXII's resolutions on poverty. In the context of these disputes, heresy, political dissidence, and disobedience to the pope came to almost coincide as categories. The accusation of heresy was exploited to strike any form of insubordination to the Apostolic See and to the ecclesiastical hierarchy. The inquisitorial trial was systematically employed to oppose Italian Ghibellines. Accused of attacking the peace and of evading the authority of the Church, they were qualified as rebels, idolaters, and heretics. Imputations of heresy and of rebellion are interchangeable in the judicial actions against the greatest figures of the anti-papal opposition in Central-Northern Italy, such as Matteo Visconti and his sons, Rinaldo and Obizzo d'Este, Cangrande della Scala, and Federico da Montefeltro, or against entire city communities.[7] The call to crusade and the concession of plenary indulgence to those who had taken up arms against the Ghibellines—the equivalent of heretics and infidels—were complementary solutions to the judicial one for combatting forces hostile to the pope.[8]

6 Cf. Chapter 5, 151ff.

7 Sylvain Parent, "Entre rébellion, hérésie, politique et idéologie: remarques sur les procès de Jean XXII contre les rebelles italiens," in *L'età dei processi. Inchieste e condanne tra politica e ideologia nel Trecento*, (ed.) Antonio Rigon and Francesco Veronese (Rome: Istituto storico italiano per il Medio Evo, 2009), 145–79.

8 Norman Housley, *The Italian Crusade: The Papal-Angevin Alliance and the Crusades against Christian Lay Powers, 1254–1343* (Oxford: Clarendon Press, 1986).

The interweaving of disagreements of a political nature and accusations of heresy was evident in the conflict between John XXII and Louis the Bavarian.[9] The labels 'heretic,' 'schismatic,' and 'usurper' pepper the documents of the Apostolic Chancery pertaining to the events that followed Louis' descent upon Italy. Rebel friars under the shelter of the imperial court of Munich would continue to express their opposition to John XXII and to his successor through strongly polemical reporting. Attempting to refute the idea of the unconditional validity of papal legislation, they attacked the concept of *plenitudo potestatis* on which papal theocracy was based and upheld the superiority of the Church over the pope. Not only the idea of evangelical poverty championed by Jacques Duèse but also his interpretation of the *visio beatifica* was at the centre of their accusations: two issues that would become the object of vibrant debates aimed at demonstrating the illegitimacy of the heretical pope.[10]

When the conclave that elected Benedict XII gathered, the tensions that had exploded during the preceding pontificate still awaited resolution. The Minorite order was divided by a multiplicity of positions. The controversy surrounding the *visio beatifica* made a rapid clarification of doctrine necessary. The difficulties of the theological debate reflected the challenges of a political context that remained quite far from pacification. An interdict hung over many Central-Northern Italian cities and negotiations between Avignon and Louis the Bavarian's Munich had not produced any results. The conflict between the Apostolic See and the Empire in fact threatened to impact international balances in the early days of what would become the Hundred Years' War.

The political action of Benedict XII's papacy in defense of orthodoxy merits further examination, for we lack a comprehensive analysis of this pope's measures against heresy—an astounding lacuna considering the attention devoted to the bishop Fournier's inquisitorial activity. The next chapters will thus look at the programmatic lines the Cistercian pope adopted for heretics, schismatics and infidels, retracing all of his interventions in supervising inquisitorial action, in mobilizing papal diplomacy, and in regulating the equilibriums

9 Jürgen Miethke, "Der Kampf Ludwigs des Bayern mit Papst und avignonesischer Kurie in seiner Bedeutung für die deutsche Geschichte," in *Kaiser Ludwig der Bayer: Konflikte, Weichenstellungen und Wahrehmung seiner Herrschaft*, (ed.) Hermann Nehlsen and Hans-Georg Hermann (Paderborn: Schöningh, 2002), 39–74.

10 Carlo Dolcini, *Crisi di poteri e politologia in crisi. Da Sinibaldo Fieschi a Guglielmo d'Ockham* (Bologna: Pàtron, 1988); Hans-Joachim Schmidt, "Povertà e politica. I frati degli Ordini mendicanti alla corte imperiale nel XIV secolo," in *Ordini religiosi e società politica in Italia e Germania nei secoli XIV e XV*, (ed.) Giorgio Chittolini and Kaspar Elm (Bologna: Il Mulino, 2001), 390–404.

between the centralization and the decentralization of judicial practices. The Cistercian monk's ascent to the papacy thus permits us to make connections between various levels of the fight against heretics and among the multiform judicial, theological, and political expressions of repression implemented by the Roman Church.

The most relevant documents for observing the action of Benedict XII's papacy against heretics consist of over five hundred letters issued by the Apostolic Chancery between 1335 and 1342 and addressed to kings and princes, city communities, bishops and archbishops, inquisitors, abbots and ministers of religious orders, papal legates, and curia officials within and beyond the borders of Latin Christianity.[11] These documents permit us to examine the Apostolic See's principal spheres of intervention in matters of heresy and the motivations that rendered the centralized management of affairs regarding the *negotium fidei* opportune by attracting the indirect participation of Church leaders. The scope of this analysis thus goes well beyond the space delimited by a bishop's tribunal and by the Avignonese curia to embrace a panorama that extends from Ireland to Southern Italy, from the Iberian world to the Eastern Mediterranean and to the Far East, enabling us to measure how the papacy

11 Benedict XII's correspondence is preserved in Vatican City, Archivio Segreto Vaticano, Reg. Vat. 119–36 and in Reg. Aven. 48–55. These letters are published or summarized in (see the List of Abbreviations): *Benoît XII (1334–1342). Lettres closes, patentes et curiales se rapportant à la France, publiées ou analysées d'après les registres du Vatican*, (ed.) Georges Daumet, 3 vols. (Paris: Privat, 2003); *Bullaire de l'Inquisition française au XIV^e^ siècle et jusqu'à la fin du grand schisme*, (ed.) Jean-Marie Vidal (Paris: Letouzey et Ané, 1913); *Bullarium franciscanum*, (ed.) Conrad Eubel (Rome: Typis Vaticanis, 1902), vol. 6; *Benoît XII, 1334–1342. Lettres communes analysées d'après les registres dits d'Avignon et du Vatican*, (ed.) Jean-Marie Vidal, 3 vols. (Paris: A. Fontemoing, 1902–11); *Benoît XII (1334–1342). Lettres closes et patentes intéressant les pays autres que la France*, (ed.) Jean-Louis Vidal and Guillaume Mollat, 2 vols. (Paris: A. Fontemoing, 1913–50); *Vatikanische Akten zur deutschen Geschichte in der Zeit Kaiser Ludwigs des Bayern*, (ed.) Sigmund von Riezler (Aalen: Scientia-Verl., 1973); *Annales ecclesiastici denuo excusi et ad nostra usque tempora perducti*, (ed.) Cesare Baronio, Odorico Raynaldi and Giacomo Laderchi (Barri-Ducis: Guerin, 1872), vol. 25; *Acta Benedicti XII (1334–1342)*, (ed.) Aloysius Tăutu (Rome: Typis Poliglottis Vaticanis, 1968); *Lettres de Benoît XII (1334–1342). Textes et analyses*, (ed.) Alphonse Fierens (Rome: Bretschneider, 1910); *'Ut per litteras apostolicas'. . .: les lettres des papes des XIII^e^ et XV^e^ siècles. I. Les lettres communes de Jean XXII (1316–1334), Benoît (1334–1342) et Urbain V* (Turnhout: Brepols, 2002). See also Pierre Gasnault, "L'élaboration des lettres secrètes des papes d'Avignon: Chambre et Chancellerie," in *Aux origines de l'État moderne: le fonctionnement administratif de la papauté d'Avignon* (Rome: École française de Rome, 1990), 209–22.

adapted its political, cultural, diplomatic, and jurisdictional positions to the diverse realities of Europe and of the Mediterranean.

Can what surfaces in these documents be interpreted as a true anti-heretical line on the part of Benedict XII? Does the picture that emerges from the registers of papal letters point to a coherent program for the defense of orthodoxy? To answer these challenging questions, we will concentrate on the positions of Benedict XII's papacy with respect to two critical issues that remained unresolved at the death of John XXII: the repression of dissident Minors and the conflict between the papacy and the Empire. We will then shift attention to Benedict XII's initiatives aimed at supervising inquisitorial friars and ecclesiastical personnel and to his papacy's directives for schismatics and for infidels beyond the borders of the Latin West.

9.1 Beguins, Friars, and Fraticelli in Benedict XII's Political Horizon

The central years of Fournier's career coincided with the involution of the dualist heresy in French, Italian and German areas. The principal objective of inquiries conducted in Pamiers was the Manichean religion. It disappeared entirely from the documents regarding the *negotium fidei* produced by Benedict XII. Experiments of Waldesian inspiration would persist longer, but they left only sporadic traces in the registers of the Cistercian pope. References to *valdenses* amount to a few letters aimed at pressing for the capture of heretics hidden in Béarn, in the environs of Valencia, in Viennois, and in Bohemia.[12] The perception of them as a threat had generally abated. Their repression was conducted independently from inquisitors and it found hardly any space in the pontiff's initiatives.

The quantitative imbalance of letters regarding Beguins, friars, and Fraticelli preserved in the *Registra Avenionensia* and *Vaticana* leaves no doubt as to which 'heretics' most concerned Benedict XII. On the death of John XXII there was indeed a sense of urgency about healing the fractures that had divided the Church and the Minorite world. Jacques Fournier responded to this need by combining elements of continuity with his predecessor, a reforming impulse, and initiatives aimed at the repression and recovery of dissidents.

Benedict XII had already expressed the possibility of reforming the order of Friars Minor during the consistory of 23 December 1334 when the newly elected pope severely attacked certain heretical tendencies present in the Franciscan world, criticizing their revolutionary spirit, their disregard for the official

12 Daumet, 16–7, no. 33; ibid., 43, no. 68; ibid., 43–3, no. 69; for Bohemia, see Chapter 10.2.

Church, and their indulgence in discipline. These topics would be brought together two years later in his constitution for the reform of the Minorite order (*Redemptor noster*) according to which all the principal aspects of the order's life were regulated: participation in divine offices, training of novices, control of expenditures, *studia* and the libraries, provincial visits, and missions.[13] The text of the constitution issued by the pope on 28 November 1336 did not contain any references to a subject as crucial as Apostolic and Franciscan poverty. The omission of a matter that had affected relations between the papacy and the order more than any other in the preceding decade tacitly expressed Benedict XII's adherence to the decretals of Duèse and his intent to regroup the fractures around a solidly hierarchical structure and a Benedictine monastic system.

If the constitution issued by Benedict XII left out the matter of poverty, however, it did not neglect dissident friars. The pope's concern about them emerges clearly in the chapter *Contra illos, qui opiniones ab Ecclesia damnatas dogmatizant*, in which he deals with the problem of friars who "dare to teach, to preach, to defend, and to approve of heresies condemned by the sacrosanct Roman Church." The imperative set by the constitution is peremptory: one must punish and correct these friars, proceeding against them as ones does against heretics. The *Redemptor noster* articulates methods for intervening with dissidents through a sequence of hierarchically conceived steps that involve all levels of the order and that culminate in the leaders of the Church. The document prescribes that he who knows of confreres who approve of and who preach suspect opinions must alert his superiors as soon as possible. The latter must correct them by imposing penance or, if necessary, by incarcerating them, turning to the nearest theological *studia* in cases of doubt. Dissidents were additionally required to present a paper at the first general chapter during which they would receive more specific instructions on how to behave. It would be the Apostolic See, however, that resolved any final doubts about "contrary or diverse opinions." The constitution actually prohibits Franciscans from contradicting the pope on questions of faith and stipulates that they must comply with his decisions. With the *Redemptor noster*, the repression of dissidents and the elimination of their 'heresies' became imperatives for all

13 BF, 6: 25–42, no. 51; Clément Schmitt, *Un Pape réformateur et un défenseur de l'unité de l'Eglise. Benoît XII et l'ordre des Frères Mineurs (1334–1342)* (Quaracchi: Collège Saint-Bonaventure, 1959), 6–60, 168–96; Jan Ballweg, *Konziliare oder päpstliche Ordensreform. Benedikt XII. und die Reformdiskussion im frühen 14. Jahrhundert* (Tübingen: Mohr Siebeck, 2001), 293–305.

friars of the order and the Apostolic See was confirmed as the final and unappealable arbiter in matters of faith.[14]

Alongside the codifications contained in these new statutes of reform, Benedict XII's measures aimed at regulating the repression of friars and Fraticelli from above are numerous. The individual cases documented in his registers enable us to redraw the mapping of the greatest areas of papal intervention. From them a fragmentary and discontinuous outline emerges in which we can locate the regions of greatest interest and the underlying positions of the papacy.

Benedict XII's initiatives in the Midi were limited enough. Persecutions of the Spirituals there had already resulted in consequences from which there was no going back.[15] *Reg. Aven*. 52 preserves documents of a single trial conducted in Avignon against the Benedictine Raimond Amiel at the abbey of Saint-Polycarpe who was accused of having abandoned the religious habit to join the 'sect' of Beguins. To make the situation worse, the alleged apostate and heretic belonged to a heretical family, as his grandparents and an uncle had apparently been condemned for heresy. This lengthened the list of imputations against the monk. Other accusations compared the pauperistic-evangelical ideal to a rejection of "the pope's decisions"—that is, of John XXII's decretals on poverty. Raimond seemingly believed that God preferred the Beguins to the 'sect' to which the pope and clerics belonged. He went about explaining his reasons publicly, even in the Cathedral of Avignon: the Beguins have nothing of their own and they possess neither horses nor squires, while cardinals favour damnation by their sumptuous living and by their disregard for the holy and evangelical life.[16] As Coulet highlighted, analysis of Raimond Amiel's dossier nevertheless suggests his unfamiliarity with the Spirituals. The accusations gathered against him seem to derive, rather, from enmities between the monk and the abbot of Saint-Polycarpe. The case of Raimond, the pseudo-Beguine, shows how proximity to the papal curia facilitated the resolution of local conflicts from above, rendering it possible to gather witnesses with a measure of speed and to verify the soundness of accusations at the centralized level.[17]

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14 BF, 6: 32–3, no. 51.

15 Louisa A. Burnham, *So Great a Light, so Great a Smoke. The Beguin Heretics of Languedoc* (Ithaca: Cornell University Press, 2008).

16 ASV, Reg. Aven. 52, fols. 328–442. Céléstin Douais, *La procédure inquisitoriale en Languedoc au XIV^e siècle, d'après un procès inédit de l'année 1337* (Paris: Picard, 1900), 31–89.

17 See the study by Noël Coulet, "Un moine languedocien accusé de béguinisme," in *Les moines noirs (XIII^e–XIV^e)*, Cahiers de Fanjeaux 19 (Toulouse: Privat, 1984), 365–89.

Unlike in French areas, the survival of rigorist Minorite experiments in Italy left many traces in the papal registers. Numerous were the initiatives Benedict XII directed at striking dissident groups he identified as 'friars,' 'fraticelli' or 'friars of the poor life' that were still active, especially in Central and Southern Italy.[18] Studies of the sematic multivalence of the word *fraticellus* have shone light on its multiplicity of meanings—positive, neutral and negative.[19] In Benedict XII's registers the term certainly referred to the Italian context most of all and usually identified experiences deemed deviant or heterodox.[20] The addition of further periphrases makes clear that there was a certain awareness of the diversity of friars who had Angelo Clareno as a point of reference, on the one hand, and Michael of Cesena, Peter of Corbara, and Louis the Bavarian, on the other. In the time of Benedict XII—a period marked by a notable variety of religious experiences—these were the two basic orientations of dissident Minoritism in the Italian Peninsula.[21] The locution "little brethen or friars of the poor life" (*fraticelli seu fratres de paupere vita*) appear with insistence in Benedict XII's letters, distinguishing in particular the communities inspired by Angelo Clareno.[22] The wording that recurs for Michaelists is rather "friars of the order of Minors" (*fratres ordinis Minorum*). It was combined with a circumlocution specifying their adherence to the ex-minister general of the order, to the anti-pope and to the emperor.[23] Beyond these expressions,

18 On Benedict XII and the dissident Minors, see Schmitt, *Un pape réformateur*, 168–96.

19 Giampaolo Tognetti, "I fraticelli, il principio di povertà ed i secolari," *Bullettino dell'Istituto storico italiano per il Medio Evo e Archivio muratoriano* 90 (1982–83): 77–145.

20 Roberto Lambertini, "'Non so che fraticelli . . .:' Identità e tensioni minoritiche nella Marchia di Angelo Clareno," in *Frati Minori e Inquisizione* (Spoleto: Centro italiano di studi sull'Alto Medioevo, 2007), 260–1.

21 On Franciscan dissidents in fourteenth-century Italy, see Decima L. Douie, *The Nature and Effect of the Heresy of the Fraticelli* (Manchester: Manchester University Press, 1932), 210–25; Lydia von Auw, *Ange Clareno et les Spirituels italiens* (Rome: Edizioni di Storia e Letteratura, 1979), 280–9; Gian Luca Potestà, *Angelo Clareno. Dai poveri eremiti ai fraticelli* (Rome: Istituto storico italiano per il Medio Evo, 1990); Roberto Lambertini, "Spirituali e Fraticelli: le molte anime della dissidenza francescana nelle Marche tra XIII e XV secolo," in *I Francescani nelle Marche, secoli XIII–XVI*, (ed.) Luigi Pellegrini and Roberto Paciocco (Ascoli Piceno: Fondazione Cassa di risparmio di Ascoli Piceno, 2000), 38–53; David Burr, *The Spiritual Franciscans. From Protest to Persecution in the Century after Saint Francis* (University Park: Pennsylvania State University Press, 2001); Sylvain Piron, "Le mouvement clandestin des dissidents franciscains au milieu du XIV^{e} siècle," *Oliviana* 3 (2009).

22 Lambertini, " 'Non so che fraticelli . . .,'" 248–51; Tognetti, "I fraticelli," 107.

23 "Quidam fratres ordinis Minorum, qui quondam Petro de Corbario, dum erat haeresiarcha caput illius horribilis schismatis (. . .) ac Michaeli de Caesena dudum de haeresi condemnato necnon et Ludovico de Bavaria iniurioso invasori regni Romani et imperii

however, the friars and little brethren mentioned in these papal documents belonged to diverse and changing realities. The unification of these varieties under the aforementioned designations resulted from a process of simplification by those who condemned their experiences.[24] The context documented by the papal registers is very schematic. Aimed at organizing the repression of dissidents rather than at identifying in them specific inspirations, papal letters compress the diverse realities into concise and repetitive formulae.

On 9 July 1335, Benedict XII addressed the inquisitors in all Italian provinces, urging them to investigate "dangerous men" defined as "little brethren or friars of the poor life" who aggregated in the districts under their jurisdiction.[25] His concern for the danger they represented surfaced in this letter through the same biblical image of heretics-wolves in sheep's clothing present in Fournier's commentary on the Gospel of Matthew.[26] The pope directed similar appeals to bishops in the peninsula, whom he urged to collaborate with inquisitors against the Fraticelli.[27] Within a year, however, the pope ascertained that the situation had worsened and he decided to flank the inquisitors and the diocesan ordinaries with the support of other authorities. Apostolic nuncio since 1335 and cardinal since 1338, Bertrand de Déaulx was one of the primary agents of papal centralization in the peninsula. Benedict XII granted him broad powers to intervene in the repression of Fraticelli—almost as if to indicate that he preferred not to entrust repression solely to inquisitors who, in Central Italy, were usually Franciscans.[28] In June 1336, the pope thus invited the nuncio and spiritual vicar for city of Rome to collaborate—personally or through delegates—with Roman inquisitors and those of neighbouring areas.[29] He addressed similar letters to rectors of the Patrimony of Saint Peter in Tuscia, of the March of Ancona, of the Duchy of Spoleto, and of the Romagna. His goal was to re-introduce the repression of Fraticelli in territories of the Church by

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adhaeserunt," BF, 6: 19, no. 34. "Nonnulli fratres vestri ordinis, qui (. . .) Michaeli de Cesena, olim praefati ordinis generali ministro, de haeresis et scismatis criminibus condemnato, adhaeserut . . .", BF, 6: 47, no. 62.

24 See Lambertini, " 'Non so che fraticelli . . .,' " 230.

25 Mollat-Vidal, 91–2, nos. 405–14.

26 BF, 6: 9–10, no. 11.

27 Mollat-Vidal, 94, nos. 417–25.

28 On the activity of Bertrand de Déaulx, see U. Aloisi, "Benedetto XII e Bertrando arcivescovo Ebrudunense riformatore della Marca d'Ancona," *Atti e Memorie della Deputazione di Storia Patria per le Marche* 3 (1906): 413–39. On the role entrusted to figures other than inquisitors in the repression of Fraticelli, see Mariano d'Alatri, "Fraticellismo e inquisizione nell'Italia centrale," *Picenum Seraphicum* 11 (1974): 289–314, esp. 307–14.

29 BF, 6: 17–8, no. 29.

defining authorities responsible for it—who were not exclusively inquisitors—and by promoting cooperation among inquisitors and the secular clergy.[30]

Benedict XII's registers show that the Apostolic See perceived the March of Ancona as an important context for the circulation of heresies imputable to the "pestiferous sect" of the Fraticelli. Roberto Lambertini has demonstrated well how the March territory reflected the multiform nature of Minorite dissent, with friars being inspired by Angelo Clareno and by Michael of Cesena. The ecclesiastical hierarchy there was not averse to these influences, as in the dioceses of Fermo, Camerino and Senigallia.[31] While some Minors from the convent of Fabriano adhered to the anti-pope, in the same period, some fifty friars of Michaelist leanings from the March sought protection at Castel Lettere in the Kingdom of Sicily.

Benedict XII reacted firmly to such tendencies, intervening from above to render the mechanisms of repression more efficient. In 1336, he wrote Bertrand de Déaulx of having learned that there resided in the March certain friars Minor (*fratres ordinis Minorum*)—followers of Peter of Corbara, Michael of Cesena and Louis the Bavarian—who disregarded the orders of the Apostolic See and denigrated the memory of John XXII. Benedict XII pursued his predecessor's line of intransigence with them, directing Bertrand to gather information about them and to subpoena the accused to present themselves at Avignon in person.[32] He additionally invited the apostolic nuncio to make full use of the arms at his disposal against those friars who had evaded the summons, forcing their capture and incarceration—and, if necessary—turning to aid from the secular arm.[33]

In addition to the followers of Michael of Cesena and of the Bavarian, the pope pinpointed other groups of different inspiration. Another letter addressed to the apostolic legate alluded to certain *fraticelli seu fratres de paupere vita* who went about disseminating their heresies in the March, in Rome and in the nearby lands of the Patrimony. The pope seemed to be aware of the difference between these friars and the Michaelist rebels.[34] In this case, too, he entrusted inquiries to the papal legate and to the bishop of Anagni, whom he granted

30 Mollat-Vidal, 249, nos. 949–53. On the repression of Fraticelli in Central Italy, see d'Alatri, "Fraticellismo e inquisizione."

31 Lambertini, "Spirituali e Fraticelli," 38–53; Id., " 'Non so che fraticelli . . .,' " 227–62.

32 BF, 6: 19–20, no. 34. On Michaelists of the March of Ancona, see Lambertini, " 'Non so che fraticelli . . .,' " 251–6.

33 Mollat-Vidal, 263–4, no. 1000.

34 Lambertini, "Spirituali e fraticelli," 48. Id., " 'Non so che fraticelli . . .,' " 248–51; Potestà, *Angelo Clareno*, 281–6.

inquisitorial privileges.[35] The pope added that he had learned how many Fraticelli enjoyed the protection of lords like Gentile and John of Camerino. Once again, he invited the nuncio to capture and to try them—on his own or in collaboration with inquisitors.[36] In 1337, Benedict XII additionally enjoined the rector of the March to present before the apostolic nuncio, within forty days, the bishop of Camerino, Francis Monaldi, who was accused of having housed the Fraticelli and even of having granted them a habit and a rule.[37]

The inquisitor responsible for the March, John of Borgo San Sepolcro, was another key agent in the repression of Fraticelli in the region.[38] Hostilities, however, seemed to block the progress of his office. According to a letter that reached him in 1339 after he had been carrying out his duties for some time, the minister general of the Minors removed John from office. According to the document, Guiral Ot experienced pressure from nobles close to Fraticelli circles in the March who were outraged by his failure to absolve two friars from excommunication. Since John did not submit to their request, the minister dismissed him and took away his belongings and documents related to the activities of his tribunal: "books, writings, acts and testimonies pertaining to the office itself and certain other possessions." Fearing that the discharged inquisitor might appeal to the pope, the minister ordered a summons for his capture, but John anticipated it and hid. The conflict would be resolved with the pope's intervention. Siding with the inquisitor in part because the cardinal of a special delegation had elected him, the pope entrusted John with the office again and urged the rector of the March to assist him in recovering his possessions. This measure is one of many in a sizeable casuistry of papal initiatives aimed at resolving conflicts between competing authorities with the goal of expanding the activity of inquisitorial tribunals.[39]

Benedict XII's initiatives in other areas of the peninsula were, by contrast, decidedly more limited. This disparity is only partially linked to the lesser presence of Fraticelli communities there. Despite the fact that documentation is limited and fragmentary, we know that they were active for the better part

35 BF, 6: 20, no. 35.

36 BF, 6: 50, no. 69.

37 Mollat-Vidal, 433, no. 1517. Despite the pope's request, Monaldi seemed unable to brave the journey to Avignon and the matter was resolved locally by the rector of the Duchy of Spoleto, BF, 6: 67–8, no. 106.

38 In 1337, Benedict XII invited him to intervene with certain people who offered help and favours to dissidents in the March area: BF, 6: 50, no. 70.

39 BF, 6: 71–2, no. 114; Mollat-Vidal, 719, no. 2454.

of the fourteenth century in many areas of Central and Southern Italy.[40] It is not surprising that the Fraticelli enjoyed the support of secular authorities or that the pope watched them with particular attention in places such as those in which Angelo Clareno was active. The rigorist friars protected in Naples at the Angevin court thus stimulated various interventions by Benedict XII.[41] Thanks to the protection afforded them by Robert of Anjou and Queen Sancia, Fraticelli of various provenances converged in Naples. The presence there of Philip of Majorca, who was deeply bound to Angelo Clareno, contributed to making the Neapolitan court a point of reference for rigorists in the Italian south and in the area of Provence-Catalonia. In the 1320s, Philip had already expressed his determination to live in complete poverty, asking John XXII for permission to observe the Rule of St. Francis to the letter. The newly elected John XXII replied to Philip's first petition addressed to the cardinals during the vacancy of the Apostolic See by offering him the bishopric of Mirepoix, hoping thus to dissuade him from his aspirations. Philip refused the offer. In 1328, he sent a second petition. The pope responded with an invitation to discuss the matter with him in Avignon.[42] When Fournier was elected to the papal throne, Philip of Majorca presented the new pope with the same previously unsuccessful requests. Turning to the king of Naples for mediation, he again hoped to receive permission to observe the Franciscan rule to the letter. His petitions met with the pope's firm rejection. Benedict XII declared the he was unable to accept the request without offending God's honour or suffering personal remorse of conscience. It seems that Benedict wanted to avoid at all costs being considered an agent of rupture and of discord. Continuity with John XXII could only be achieved by promoting pacification. As the pope explained to the king of Naples, he ought to maintain coherence and continuity with the decision of his predecessor. If the pope were to agree to Philip's petitions, new "hatreds and schisms" would inevitably arise within an order that was already strongly divided. Duèse had only approved four mendicant orders. Were he to grant the request, a fifth would be approved, to the detriment of the Church. According to Benedict, authorizing a new *religio* would have given rise to new disagreements and to new scandals. Many obstacles had rendered it impossible for him to permit anyone to observe the Rule of St. Francis to the letter and it was not possible to then leave them aside without favouring one congregation over the others. In the end, the pope concluded, Philip is well known around the world and it could no longer be hidden that he was a supporter of

40 D'Alatri, "Fraticellismo e inquisizione;" Tognetti, "I fraticelli;" Potestà, *Angelo Clareno*.

41 Potestà, *Angelo Clareno*; Burr, *The Spiritual Franciscans*.

42 Schmitt, *Un pape réformateur*, 189–91.

the Beguins and an adversary of John XXII and of the Apostolic See. If these accusations put a definitive end to any possibility of dialogue, for Benedict XII, his continuity with Jacques Duèse seemed necessary to pacify the order and to reconstitute the unity of the Church.[43]

Some fragmentary pieces of information confirm that rigorist Franciscans from various provenances gravitated around the city of Naples. The friar Raimond Richard from Provence was resident in the city of Campania when, in 1336, he received the order to present himself before the curia. The pope had come to know about a tract full of heresies that the friar had composed in Paris and circulated together with his other writings in Montpellier too, where they were highly controversial.[44] This same year Benedict attempted to check dissident tendencies connected to the Neapolitan monastery of Corpus Christi. He ordered that certain Fraticelli who were disseminating errors, offending the memory of John XXII, and donning short and misshapen habits that differed in colour and fabric from those worn by the Minors be expelled from the religious house.[45] Above all, Fournier resumed the trial of Andrea da Gagliano that his predecessor had begun.[46] The file on the chaplain from the monastery of Corpus Christi and the ex-provincial minister of the order was connected to the presence of Michaelist friars in the Kingdom of Naples.[47] The accusations already gathered at the end of the 1320s against Andrea focused on his proximity to Michael of Cesena and on his opposition to John XXII's decretals on poverty. For these reasons, Duèse had enjoined Guiral Ot to call him to the curia in 1331. The matter would only be resolved, however, with his absolution two years after the affair.

The case was re-opened in 1336 under the initiative of Benedict XII, who denied the act of absolution and re-launched a delicate case that proceeded from the same accusations put forward a couple of years prior. On 12 June, the friar was called to Avignon where preliminary hearings were to be conducted.[48] The ensuing records date to 1337–38, when the trial was entrusted to the inquisitor Guillaume Lombard in the curia.[49] The usual accusations were

43 BF, 6: 76–7, no. 123.

44 *Bullaire*, 227–8, no. 151.

45 "Qui diversorum colorum seu petiarum variarum curtos et deformes gestant habitus ab illis, quibus fratres ordinis Minorum utuntur," BF, 6: 18, no. 30.

46 The trial records are preserved in the *Reg. Aven.* and in the *Instrumenta miscellanea* of the ASV, and they are published in BF, 6: 597–638; and Edith Pasztor, "Il processo di Andrea da Gagliano (1337–1339)," *Archivum Franciscanum Historicum* 48 (1955): 3–48.

47 Schmitt, *Un pape réformateur*, 181–7.

48 BF, 6: 17, no. 27.

49 BF, 6: 45, no. 58; *Bullaire*, 243–5, no. 163.

gathered against the imputed. They were listed in forty-nine articles reserved for Michaelists: rebellion against John XXII and the minister general of the order; support of the schism; assent to the writings of Peter of John Olivi, of Michael of Cesena, and of Bonagrazia of Bergamo; protection of Fraticelli hiding in the Kingdom of Naples.[50] Thirty-three depositions in his favour opposed six against him in the trial conducted by Guillaume Lombard that began on 16 April 1337 and that would conclude sixteen months later with another absolution and with the definitive closing of the case. As Edith Pasztor has shown, the transcripts of the trial reveal the details of a procedure that granted uncommon opportunities for the imputed to defend himself, guaranteeing him the possibility of actually being assisted by a lawyer and of receiving the list of witnesses who accused him and a copy of their depositions.[51]

Andrea da Gagliano's case was not the only trial of an Italian Fraticello to be conducted at the Apostolic curia. In 1336, Guillaume Lombard was enjoined to replace the bishop of Rodez, who had to leave Avignon and was not able to carry to conclusion the inquiry then in progress of Guglielmo da Castiglion della Pescaia, who was suspected of schisms, heresies and other horrendous crimes."[52] The following year, the pope ordered the bishop of Perugia Ugolino Vibi to send him the trial records for Bonaventure of Callio held in custody at Avignon.[53]

Benedict XII's registers reveal the Apostolic See's considerable inability to lead the rigorist components and the dissidents present in the Minorite order back to obedience. Deeply rooted in the essence of Franciscanism, Fraticelli phenomena inspired by ideas of evangelical radicalism would last a very long time.[54] After John XXII, Benedict XII viewed the experiences of friars and Fraticelli who persisted in dissent with renewed concern, above all those in the Italian peninsula. The Cistercian pope chose to maintain substantial continuity with his predecessor. He made Duèse's decretals on poverty his own. He also believed that any concession to rigorist demands would have incited new schisms and divisions. The urgent need to bring about a reform of the Minorite order did not escape the pope. Yet, the *Redemptor noster*—inspired by the Benedictine monastic model—silently omitted one of the foundations

50 BF, 6: 45, no. 58.

51 Pasztor, "Il processo di Andrea da Gagliano," 264–6.

52 BF, 6: 24, no. 44.

53 BF, 6: 51, no. 74.

54 Grado Giovanni Merlo, *Nel nome di san Francesco. Storia dei frati Minori e del francescanesimo sino agli inizi del XVI secolo* (Padua: Editrici Francescane, 2003), 288f.; Piron, "Le mouvement clandestin."

of Franciscan identity: the new constitutions of the order, issued in 1336 and adopted in 1337 by the general chapter of Cahors, sidestepped the matter of poverty. By contrast, they did not neglect to address the penetration of dissident opinions and heresies among the friars of the order. Despite the absence of further qualifications, it is not difficult to read a nervous allusion to the ideas of dissident friars and Fraticelli between the lines.

Which ideas? The *Redemptor noster* does not mention them and the information that one finds in the registers of Benedict XII's letters is scanty. The denominations employed in papal correspondence seem to point to an almost binary simplification of the variety of Fraticelli experiences. The repression from above of rigorist friars took the form of the pope's repeated appeals to the greatest ecclesiastical and secular authorities of the peninsula with the goal of striking Fraticelli experiences. Sometimes Benedict XII intervened directly or through delegates in the exercise of justice, having trials moved to Avignon, facilitating the activity of inquisitors, or holding back aid and favours destined for the Fraticelli. In support of these initiatives, specific responsibilities of supervision and of control were assigned to the apostolic nuncio Bertrand de Déaulx. The quantitative imbalance of documents pertaining to dissident Minorism in Italy corresponds to the perception of a threat so real as to render increased repression necessary. On the other hand, Benedict XII did not neglect the importance of reconciliation as a strategy for recomposing the fractures—attempting, in some cases, to contain the centrifugal thrusts and to redirect them, as much as possible, within the unity of the Church. It is in the sphere of relations with Louis the Bavarian and his allies that, as we will see, the curial machine organized its most consistent but failed efforts at reconciliation.

9.2 Reconciliation and Obedience: The Failure of Negotiations with Louis the Bavarian

Toward the end of John XII's pontificate, Louis the Bavarian had already demonstrated his intention to begin healing the rupture that had set the Emperor against the papacy for almost a decade. This conflict in which political and ecclesiological-doctrinal tensions converged was not resolved before the death of Duèse. It offered itself again to his successor with a strongly polemical charge and with important consequences for international balances. The pontificate of Benedict XII nevertheless signalled a relaxation of tensions, which was achieved through three principal means: re-opening peace talks with the Bavarian, suspending the interdict on cities of Central-Northern Italy, and

abandoning his predecessor's strategy of trials. The documents produced by Benedict XII's Chancery during the course of diplomatic negotiations with the Bavarian permit us to trace further implications of the dispute between the Apostolic See and the emperor for the accusation of heresy and for the rhetorical construction of the heretic.[55]

Between repeated excommunications and reciprocal recantations and accusations of heresy, the conflict between John XXII and Louis the Bavarian had catalyzed tensions among the pope and the leaders of the Minorite order since the early 1330s. Between 1323 and March 1324 the pope excommunicated the Bavarian on multiple occasions, freeing his subjects from their obligation of loyalty to him. With the well-known appellation of Sachsenhausen, Louis in turn declared the pope a heretic for his conception of evangelical poverty, appealing to a general council against him. New accusations of heresy would assail John XXII in the context of a determined hastening of events. Having entered Italy at the beginning of 1327, the Bavarian had himself crowned emperor in Rome in 1328. Shortly thereafter he decreed the deposition of John XXII and had Peter of Corbara elected pope with the name of Nicholas V. On the other side, neither John XXII nor his successor ever recognized the Bavarian's election. Both of them continued to consider the imperial office vacant. Against this background of conflict, the imperial court offered refuge and protection to friars such as Michael of Cesena, Bonagrazia of Bergamo, Marsilius of Padua and William of Ockham, who continued their political and doctrinal battle with John XXII and his successor from Munich.[56] The rupture between the Church and the Empire and the election of an antipope, could not but have important international repercussions. The support of many Italian

55 On the dispute between Louis the Bavarian and the Avignonese curia, see Hermann Otto Schwobel, *Der diplomatische Kampf zwischen Ludwig dem Bayern und der Römischen Kurie im Rahmen des kanonischen Absolutionsprozesses 1330–1346* (Weimar: Böhlau, 1968); Martin Kaufhold, *'Gladius spiritualis.' Das päpstliche Interdikt über Deutschland in der Regierungszeit Ludwigs des Bayern (1324–1347)* (Heidelberg: Winter, 1994); Miethke, "Der Kampf Ludwigs des Bayern mit Papst;" Sebastian Zanke, *Johannes XXII., Avignon und Europa. Das politische Papsttum im Spiegel der kurialen Register (1316–1334)* (Leiden: Brill, 2013).

56 Having limited analysis to documents produced by the Apostolic Chancery, we will not discuss the treatises produced at the imperial court in support of the battle against the pope. On the theoretical contribution of friars who sought refuge in Bavaria at the imperial court, see Schmitt, *Un pape réformateur*, 197–249; Dolcini, *Crisi di poteri*; Jürgen Miethke, *Ai confini del potere, Il dibatito sulla* potestas *papale da Tommaso d'Aquino a Guglielmo d'Ockham* (Padua: Editrici Francescane, 2005); the actual influence of the Munich group on the Bavarian's politics has been reconsidered by Schmidt, "Povertà e politica."

cities for the Bavarian and for Nicholas V and the threats of an anti-French alliance between the emperor and the king of England, Edward III, lent the accusations directed at schismatics an eminently political value—a fact clearly reflected in trials the papacy directed toward Ghibelline lords and rebels in Central and Southern Italy.[57]

In the consistory, Benedict XII announced his intention to restore peace from the very moment of his election. Worried about a crisis that would have repercussions on many fronts—and being more flexible than his predecessor—he showed himself determined to launch talks for reconciliation. Important goals would come together in these diplomatic efforts: safeguarding France against a possible German-English alliance and winning back to papal obedience the cities of Central-Northern Italy that had declared their loyalty to the emperor. As we will see, obedience to the Apostolic See became the dominant topic of negotiations with the Bavarian. An irremissible condition for reconciliation, it was—in the eyes of the papacy—a fundamental watershed between orthodoxy and heresy.

The years 1335–38 saw intense negotiations between the imperial legates and the Apostolic See. Benedict XII had already received a first legation in the spring of 1335.[58] Further epistolary exchanges and a second mission followed. His opening toward reconciliation with the emperor and the terms of this rapprochement were mentioned in letters sent in April 1335 to the duke of Austria in which Benedict XII expressed the hope that Louis would recognize his own errors and return to the unity of the Church. The formal models used to draft these documents boil down to one theme: return of lost sheep to the fold and acceptance of the redeemed sinner.[59]

During the course of negotiations, the matter of the "schismatic and usurping" emperor's *reconciliatio* was specified both as a topic and in procedural articulations. So that the dialogue could continue, the pope requested that the nuncios who reached Avignon in the spring of 1335 return to the curia armed with a special mandate—that is, being fully legitimized by the Bavarian to carry negotiations forward in his name.[60] The following August, the emperor would

57 Parent, "Entre rébellion, hérésie, politique et idéologie."

58 In a letter to Louis the Bavarian in December 1335, Benedict confirmed having had to postpone the talks with his legates because he was too busy with the affair of the *visio beatifica*: Riezler, 604–5, no. 1766. A mention of the same matter also appears in a letter sent to Louis on 14 May 1336, cf. Riezler, 616–7, no. 1806.

59 Riezler, 583–4, no. 1716; Raynaldi, 1335, 22, no. 1; Riezler, 584, no. 1719. The pope would write again to Albert, Duke of Austria, about these topics on 25 August 1337, Riezler, 676, no. 1898.

60 This is what Benedict reported to the king of France on 31 July 1335, see Mollat-Vidal, 114–5, no. 476.

comply with these requests.[61] He informed the delegates of his desires and he authorized them to follow the pope's will. He indeed professed his intention to make peace with the king of France and to reconcile with the Church, requesting pardon from the pope as a son would a father. *Oboedientia* again became the dominant topic of the message. Louis promised to return to obeying the pope and the Church, affirming that there is nothing more villainous than disobeying and that "obedience is worth more than holocausts" (1 Sam 15:22).[62]

This same biblical passage was repeated on 9 October 1335 in the long and learned *propositio* rich in scriptural citations that the imperial legate Markward von Randeck considered at Avignon before the pope and the consistory. The subtlety of the discourse corresponded to the solemnity of the event. The legate indeed presented Benedict XII and the cardinals the imperial request for absolution from the excommunication effected by John XXII. Illustrating for the pontiff the reasons for which he should accept the Bavarian's request, Markward underscored the necessity for he who obeys to enjoy the fruits of his own obedience, understood as a sacrifice of his own will and as full adherence to the divine will. The imperial envoy affirmed before the consistory that this was precisely what Louis the Bavarian had done, sacrificing his own will to adhere to that of the pope and of the Church.[63]

If Louis' return to papal obedience constituted a fundamental move toward reconciliation between the Church and the Empire, in their negotiations they could not lose sight of the specific topic of the dispute. The Apostolic See required the Bavarian to recognize his own responsibilities in electing the antipope and in protecting rebel Minors in Munich, to assent to official interpretation of evangelical poverty, and to promise to lead dissidents back to obedience. On the purely political level, peace and alliance with the king of France constituted a cornerstone of negotiations. The pope kept the king of France Philip VI continuously informed, secretly forwarding him confidential information on the progress of negotiations and requesting that he maintain the most absolute discretion.[64]

The Bavarian's position toward the French crown continued to be ambivalent. On 15 April 1336, the pope praised his procurators for their laudable contribution to the work of reconciliation.[65] By the next month, however, he learned

61 The Bavarian would later also designate Wilhelm, Count of Jülich, and Rupert, Count Palatine of Reno and Duke of Bavaria, as "our true, certain and legitimate procurators, ambassadors, in charge of special affairs and nuncios," cf. Riezler, 638, no. 1841.

62 Riezler, nos. 1748 and 1748a.

63 Ibid., 597–600, no. 1759.

64 Ibid., 601–2, no. 1762. See Schmitt, *Un pape réformateur*, 204–5.

65 Riezler, 610, no. 1789.

that Louis was making alliances in Germany that were potentially dangerous for the king of France and the duke of Bourgogne. Faced with such news, his legates had to suspend negotiations, assuring the pope that they would persuade the Bavarian to desist in his plans.[66] Within a couple of months the emperor would nevertheless deny all accusations of conspiracy. As he wrote to the pope and as the latter reported to the king of France, the allegations were false and he himself learned of them for the first time with as much worry as his own nuncios did upon their return to Avignon.[67]

Regardless of the Bavarian's true intentions, the diplomatic incident seemed resolved. The conditions were established for a renewal of negotiations. Talks were reopened as soon as the imperial ambassadors returned to Avignon. The ambassadors handed the pope and the cardinals a letter in which Louis proclaimed his determination to return to "full and perfect obedience,"[68] and two important warrants signed by the Bavarian on 28 October 1336 that listed in detail the conditions of reconciliation.[69] In these documents, Louis attempted to diminish his own responsibility as much as possible, seeking a difficult balance between defending imperial rights and satisfying papal requests. The Bavarian thus acknowledged his own role in electing Nicholas V, but he sought to reduce them to the sole aim of defending the imperial title. He claimed that he did not know that the Church defined the emperor who had deposed the pope as a heretic. He added, moreover, that he did not believe Nicholas V to be the new pope, but rather the antipope. He then confirmed that it was not the emperor's right to depose the pope and he expressed his regret for what had happened.[70] With respect to the alliance with Galeazzo Visconti and his brothers, who were condemned for heresy or *fautoria*, Louis admitted to having identified them as political allies, but he denied ever having known that they were heretics.[71]

As it emerges from the first topics addressed in the warrants, the Bavarian strategically reduced his own awareness of events that he experienced a few years prior, attempting to highlight the political end of his own actions and diminishing the strictly doctrinal significance. He adopted the same course of action regarding the protection he offered to rebel friars at his court. Louis acknowledged having housed them and even of having supported their

66 Riezler, 613–6, nos. 1804–5 and 616–7, no. 1806.

67 Ibid., 623–4, no. 1831.

68 Bavarian Munich, 3 November 1336; original parchment, cf. ibid., 654–6, no. 1843.

69 Ibid., 637–44, no. 1841 and 644–54, no. 1842.

70 Ibid., 638–9, no. 1841.

71 Ibid., 639.

demands of John XXII. But he justified himself by saying that he was unaware of the doctrinal subtleties and that he had hosted the friars in the hope that they would help him to defend his imperial rights. On other fronts, very dear to the rebels in Munich, the emperor had no difficulty completely revising his positions. He declared the *Cum inter nonnullos* true and Catholic, underscoring that he did not wish to embroil himself in debates on poverty. As regards the appellation of Sachsenhausen, he maintained that it was the work of a notary inimical to him.[72] The Bavarian even seemed willing to renounce defending the legitimacy of the imperial title. He in fact recognized that he had illegitimately taken Rome, since only the pope has the right to confer it. He therefore granted his procurators the authority to depose him and to pledge obedience to the pope in his name, saying that he was ready to extirpate heretics and schismatics from his lands.[73]

The second warrant focused on the topic of a strictly political nature and offered the Apostolic See a series of guarantees on the actual fulfilment of pacification. The emperor ensured that he would not usurp territories subject to the Church and that his officials would cease exercising their rights in Lombardy and in Italy. He additionally promised that he would not set foot in Rome again except to receive the imperial crown from the pope.[74]

Regardless of their ambiguities on certain issues, the two warrants of October 1336 constituted an essential passage toward reconciliation. Solemnly recanting before the pontiff and the consistory, the Bavarian re-established the conditions for his own readmission to the Church. At the same time, he took necessary distance from dangerous compromises with the heresies of friars he had protected, confining his own disobedience to an essentially political area. He declared himself ready to radically modify his own positions without allowing himself to be conditioned by their programmatic texts. The political importance of the Franciscans who followed the emperor was actually so limited that the Bavarian did not hesitate to disavow their theories or declare that he had not fully understood them, saying that he was ready to hand the friars over to papal jurisdiction.[75]

The diplomatic exchanges of the ensuing years show the repercussions of negotiations between the papacy and the empire on relations among European

72 Ibid., 639–41.

73 Ibid., 641–3.

74 Ibid., 644–54, no. 1842.

75 See Schmidt, "Povertà e politica."

monarchies.[76] So as to prevent a war between France and England and to contain the possible expansionist aims of the Bavarian on France or on the lands of the Church, Benedict XII attempted with difficulty to conclude the *reconciliatio*, maintaining a delicate balance between the fluctuating aspirations of the emperor and the rulers of France and England. In 1337, the pope sought to coordinate a meeting between German and French legates to devise peace from more sides.[77] Dramatic turns of event and sudden reversals of perspective rendered the dialogue between various interlocutors even more complicated. In 1336, the pope sought to deter the king of France from forming an alliance with the Bavarian. In theory, he would have supported a French-German coalition, but this was unacceptable without Louis' prior return to obedience.[78] Precisely when it appeared that they had reached the step of recomposing the schism, the king of France appeared to undermine the precarious equilibriums they had achieved. In 1337, he asked the pope to delay his negotiations with the Bavarian and he beseeched the pope to grant him the use of the *decima* for a crusade in the event of a war with England. Benedict XII decisively refused the double request of the French sovereign, underscoring, on the one hand, the urgent need to first heal the rupture with the Bavarian and, on the other, denying the possibility of granting exceptional licences for use of the *decima*.[79] Notwithstanding this, the following year the pontiff would go against the requests of Philip VI, granting him the use of the *decima* for two years on ecclesiastical earnings in the kingdom to defend himself from the emperor.[80]

A series of letters sent on 20 July 1337 shows the Apostolic See's plan to check the emperor's anti-French designs and to secure the consensus of certain authorities involved in the war against France. While he reprimanded Louis directly, stressing the inconvenience of further delaying negotiations, Benedict also invited one of the imperial legates, the duke of Austria, to dissuade the emperor from pursuing his bellicose designs.[81] For his part, the Bavarian sought the consensus of city authorities and of German lords, maintaining that Philip VI had unduly occupied various lands of the Empire, staking hereditary claims and actually impeding pacification with the Apostolic

76 On diplomatic relations between Benedict XII and the crowns of France and England at the dawn of the Hundred Years' War, see Barbara Bombi, "Benedict XII and the Outbreak of the Hundred Years' War," in *Pope Benedict XII*, (ed.) Bueno, forthcoming.

77 Riezler, nos. 1867 and 1872.

78 Ibid., no. 1847.

79 Ibid., no. 1876.

80 Ibid., 701–2, no. 1937.

81 Mollat-Vidal, 407–8, nos. 1423–4.

See.[82] At the same time the pope attempted to avert the danger of an alliance between the emperor and Edward III of England, placing the accent on Louis' impiety and on traditional devotion of the English dynasty. He reminded the English king of the Bavarian's grave faults: he disobeyed the pope, favoured heretics, usurped the imperial title, and had a schismatic pope elected.[83] A year later, Edward III joined forces with Louis the Bavarian instead, assuming the title of imperial vicar and encouraging many ecclesiastical authorities to pay homage to the emperor.[84]

While he carried out plans for the pacification of the Bavarian, Benedict did not neglect to deal with the recomposition of the schism that had drawn a portion of the Italian and German clergy close to the antipope Nicholas V.[85] The return of schismatics would also be addressed from a legal point of view. On the occasion of the chapter general of the Minors in Cahors, the pope made a gesture of openness toward rebel friars who wished to return to Roman obedience. The *incipit* of his letter focused on the opening to pardon and on his sincere desire to recover those lost in error. Conditions necessary for reconciliation are repentance of the guilty, their public retraction before the general chapter, and the completion of penance. This is the fundamental passage for merciful acceptance of redeemed sinners, whose confessions, gathered by superiors of the order, had to be drafted in public records and then transmitted to the Papal Chancery. This opening toward repentant heretics nevertheless presented clear limits. The pope resolutely denied Michael of Cesena, Francis of Ascoli, William of Ockham, Bonagrazia of Bergamo, and friars who had accepted promotions or offices from Peter of Corbara all possibility of absolution.[86]

With these exceptions, the Apostolic See showed itself willing to accept redeemed schismatics, ending the divisions that had rent the Church in the time of John XXII. Concentrated diplomatic work was directed in those years to leading lords and clergy who had supported the imperial office back to

82 Daumet, 285–9, no. 457.

83 Mollat-Vidal, 406, no. 1418. On 5 September 1336, Benedict XII had absolved the king of England from the excommunication John XXII had imposed on him for having believed the Bavarian to be emperor, see *Communes*, 1: 322, no. 3614.

84 Mollat-Vidal, 610, no. 2078; Riezler, 721–3, nos. 1993–6. The pope sought to dissuade Edward III by putting pressure on the English clergy: cf. the letters sent on 13 November 1338 to the archbishop of Canterbury and to the bishop of Durham, Daumet, 318, nos. 516–7.

85 Alberto Cadili, "I frati minori dell'antipapa Niccolò V," *Franciscana* 6 (2004): 95–137.

86 BF, 6: 47–8, no. 62. See Schmitt, *Un pape réformateur*, 209.

obedience.[87] On 13 November 1338, Benedict XII launched an appeal to numerous French and German bishops, forbidding them to lend obedience to the Bavarian, who was condemned for schism, heresy, and usurping the imperial title. The pope additionally urged bishops to join forces in leagues and confederations so as to set the power of a united effort against the emperor.[88] Under the initiative of the diocesan ordinaries, various city communities, such as Salzburg, Liège and Konstanz, carried out the cause of reconciliation autonomously from the emperor.[89]

In the meantime, Benedict XII dealt with pacifying and leading to Roman obedience those cities of Central-Northern Italy that, in conjunction with the ascent of the Visconti in the area of Padua and with the crisis of Italian Guelphism, had pledged loyalty to the Bavarian and to the antipope, incurring papal interdict.[90] Protocol foresaw an official ceremony before the pope and the consistory during which city authorities admitted having adhered to the schism, pleaded for forgiveness, and asked to be freed from the interdict. Lombard cities (Milan, Mantua, Bergamo, Cremona, Novara, Vercelli, and Pavia) were the first to present the pope with a request for absolution from the interdict (19 May 1335).[91] Pacification of Città di Castello happened toward the end of 1335,[92] while the representatives of certain Ligurian cities (Genoa, Savona and Albenga) would go to the curia approximately two years later.[93]

Reconciliation also extended to Venetia and Emilian cities that, under the control of Cangrande della Scala, had supported the antipapal rebellion. Between August 1338 and September 1339 the requests of Padua, Parma, Verona

87 On 20 October 1337, the *excusatio* of the archbishop of Colonia was read before Benedict XII and the cardinals: Riezler, 683–6, no. 1910. On the same day, the pope absolved the duke of Lower Bavaria and his subjects: Riezler, 680–2, no. 1909. See also the *cedula* pertaining to pacification of the city of Trier, *Communes*, 2: 311, no. 8396.

88 Daumet, 318–21, nos 518–24.

89 Mollat-Vidal, 584, no. 1992; Riezler, 717, no. 1981. At the same time, pacification was also carried out under the initiative of secular authorities: on 7 October 1338, Otto, Duke of Austria, officially signed his own reconciliation with the Church, see Mollat-Vidal, 590–1, no. 2012; Mollat-Vidal, 615, nos. 2107–12; Riezler, 729, nos. 2004 and 2012.

90 Diego Quaglioni, "Papato avignonese e problemi politici," in *Storia della Chiesa*, vol. 9: *La crisi del Trecento e il papato avignonese, 1274–1378*, (ed.) Diego Quaglioni (Cinisello Balsamo: San Paolo, 1994), 328–63; Sylvain Parent, *Dans les abysses de l'infidélité. Les poursuites judiciaires contre les ennemis de l'Église, entre rébellion et hérésie* (*Italie, v. 1310–1330*) (Rome: École française de Rome, 2014).

91 Mollat-Vidal, 61–2, nos. 286a–g; *Communes*, 1: 217, no. 2474. Records for Vercelli: *Communes*, 2: 402, no. 9232; records for Novara: *Communes*, 2: 402, no. 9233.

92 *Communes*, 1: 193, no. 2141.

93 *Communes*, 1: 496, nos. 5246–7. Mollat-Vidal, 487, nos. 1674–5.

and Vicenza were accepted.[94] In 1340, it was the turn of Feltre, Belluno, Como, Trent, Treviso, and Tortona.[95] On 27 October 1340, the inhabitants of Lucca promised to build a chapel in their cathedral in honour of Saint Benedict and to give alms to a thousand poor people on the saint's day to atone for the guilt of their pro-imperial alliance.[96] On 16 May 1341, the Apostolic Chancery issued acts of absolution for many other city communities of Northern Italy.[97]

The revision of certain trials that had brought enemies and political opponents of the Apostolic See to condemnation for heresy complemented suspension of the interdict during the papacy of John XXII. In 1337, Benedict XII turned to ex-inquisitors of the Lombard province, enjoining them to present themselves to the Apostolic See with transcripts from the trials of Luchino Visconti and his brother, the bishop of Novara, who were involved in a trial for heresy that targeted their father and other brothers.[98] On 6 May 1341, the pope additionally appointed two cardinals to convoke at Avignon whomever it would be useful to hear to resolve the case,[99] but by the following day the sentence had already been cancelled.[100]

Pacification efforts were carried out simultaneously on multiple fronts: suspending the interdict on Italian cities; reviewing the political processes of John XXII; negotiating with German clergy; and, pursuing diplomatic talks between the Apostolic See, the imperial court, and the crowns of France and of England. In 1338, the pope ascertained that negotiations with the emperor had once again suffered a pause. The imperial messengers did not remain at the curia long enough and Louis did not uphold his promise to send a new legation to Avignon, effectively interrupting the negotiations.[101] It was a German

94 The request for pardon and the absolution of the city of Padua are dated 4 August 1338, cf. ASV, Armar. 34, vol. 2a, fols. 6r–8r; Mollat-Vidal, 563, no. 1942. Parma, Verona and Vicenza were absolved from excommunication on 1 September 1339, see *Communes*, 2: 221f., nos. 7531–3.

95 *Communes*, 2: 271–2, no. 8042; ibid., 2: 303, no. 8317; Riezler, 752, no. 2077; *Communes*, 2: 297, no. 8255; ibid., 2: 306, no. 8360; Mollat-Vidal, 74, no. 2838.

96 *Communes*, 2: 299, no. 8271–2.

97 These are record for the absolution of Novara, Milan, Soncino, Como, Cremona, Lodi, Pavia, Vercelli, Borgo San Donnino, Bobbio, Bergamo: cf. *Communes*, 2: 396–7, nos. 9164–74.

98 The Dominican Pace, bishop of Trieste, and the friar Minor Giordano, ex inquisitor of the province of *Lombardia*; a letter was also sent on the same date (20 February 1337) to the archbishop of Milan. See Reg. Vat. 123, nos. 1–3; *Communes*, 1: 485, nos. 5143–5.

99 *Communes*, 2: 393, no. 9143.

100 Ibid., 2: 396, no. 9159.

101 Daumet, 285–9, no. 457; Mollat-Vidal, 550–1, nos. 1898–1901.

cleric who reached Spira in March 1338 who took the initiative of resuming the dialogue, announcing a new mission to the pope.[102]

For his part, the Bavarian seemed to distance himself ever further from the path of compromise. Two decrees drafted on the occasion of the diet of the electoral princes of Frankfurt and Rense and published on 6 August 1338 in fact re-proposed the most intransigent positions. The emperor reaffirmed his own orthodoxy, proclaiming the legitimacy of his title, protesting against John XXII's unjust sanctions, hoping for the convocation of a council that might approve his election and, as we mentioned earlier, appointing Edward III of England imperial vicar.[103] Benedict XII also came to learn that the Bavarian was forcing bishops and other clergy with threats and violence to violate the interdict. He believed this favoured the growth of heretical and schismatic activities.[104] During a new assembly in Frankfurt, the emperor reaffirmed the legitimacy of his election and, echoing the treatise *Contra Benedictum* by William of Ockham, he declared that the election itself—independent of the pope's will—conferred the right of title of king of the Romans and emperor, and that bishops and archbishops could perform the consecration. Upon the guidance of deliberations by the Munich group, he dissociated *papa* and *Ecclesia* and the *plenitudo potestatis* of the pope came under harsh attack.[105]

Faced with these demands, Benedict XII decided to call the apostolic messengers back to Avignon while awaiting the emperor's next moves.[106] Though negotiations with the Bavarian seemed to have come to a standstill, those with Edward of England were not yielding any better results. The king let fall the various requests that he abandon the vicariate, which the pope considered illegitimate in as much as Louis "was actually neither king nor emperor."[107] The situation, however, underwent an unexpected reversal at the beginning of 1341 when Louis the Bavarian withdrew the title of vicar from the king of

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102 The bishops of Magonza, Bamberg, Basilea, Strasbourg, Eichstätt, Paderborn, Chur, Würzburg: cf. Mollat-Vidal, 544–6, no. 1878.

103 Cf. Schmitt, *Un pape réformateur*, 217f.

104 Riezler, 729–30, nos. 2013–4. Similar complaints were expressed to the Bavarian in a letter from 7 April 1340: cf. Mollat-Vidal, 34–7, no. 2756. On adherence to the emperor by many German regular and secular clergy, see cf. Schmidt, "Povertà e politica," 390f.; and Kaufhold, *'Gladius spiritualis.'*

105 The treatise *Contra Benedictum* is published in William of Ockham, *Opera Politica*, (ed.) H.S. Offler, (Manchester: University of Manchester Press, 1956), 3: 165–322; see Schmitt, *Un pape réformateur*, 217–20.

106 Riezler, 730, no. 2014; and ibid., 733, no. 2024.

107 Daumet, 393–6, no. 649; Riezler, 749, no. 2069. On relations with England, see also Daumet 397–400, no. 652; and Daumet, 473–6, no. 748.

England so as to form an alliance with the king of France. If this change in alliance seemed to open the way to resolving the conflict, Benedict XII received the news with caution. Philip VI attempted to comfort the pope assuring him that this alliance would not turn against the Apostolic See, and that, on the contrary, it would hasten the *reconciliatio*.[108] Nevertheless, as in 1336, Benedict XII viewed the rapprochement between these sovereigns with suspicion and he discouraged alliance with the emperor before he had returned to obedience.[109]

This convergence of events did not suffice to re-launch peace negotiations, which were severely compromised by long years of failed talks, polemical attacks and renewed tensions. A further diplomatic incident signalled—with one last failure—the impossibility of achieving pacification during the papacy of Benedict XII: an illustrious marriage re-ignited the conflict between the Church and the Empire. In 1341, Margaret Maultasch, the daughter of the duke of Carinthia and Tyrol, severed the marriage that united her to the son of the king of Bohemia. When news that the princess had repudiated her husband and that he had her exiled to the Tyrol reached Louis the Bavarian, he offered her his son's hand. The pope saw a grave violation of canonical law in the Bavarian's intervention. Not only had Margaret resolved to sever her marriage without recourse to ecclesiastical judgement, but she had also intended to enter into new nuptials with the son of an excommunicated man who had usurped the imperial title.[110]

Benedict XII underscored that the new marriage—which was to be concluded without the Church's approval—would constitute concubinage or adultery and as such it would incur ecclesiastical censure.[111] On the opposite side, Marsilius of Padua and William of Ockham would not fail to align themselves against the pope even in this circumstance. As it emerges from the very title of their writings—*De iurisdictione imperatoris in causis matrimonialibus*—they believed that a solution to the marital case fell under the emperor's jurisdiction and that in cases of public interest he had the right to interpret papal laws.

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108 Riezler, 759, no. 2097.

109 Ibid., 759, no. 2097.

110 On Margaret Maultasch, see Jürgen Miethke, "Die Eheaffäre der Margarete 'Maultasch', Gräfin von Tirol (1341–42). Ein Beispiel hochadliger Familienpolitik im Spätmittelalter," in *Päpste, Pilger, Pönitentiarie, Festschrift für Ludwig Schmugge, zum 65. Geburtstag*, (ed.) Andreas Meyer, Constanze Rendtel and Maria Wittmer-Butsch (Tübingen: Max Niemeyer, 2004), 353–91; and Id., "Margarete 'Maultasch' oder die Macht der Person," in *Margarete 'Maultasch,' Zur Lebenswelt einer Landesfürstin und anderer Tiroler Frauen des Mittelalters*, (ed.) Julia Hörmann-Thurn und Taxis (Innsbruck: Universitätsverlag Wagner, 2007), 33–50.

111 Riezler, 763–4, no. 2116.

Although moved to the level of rights and centered on the conflict of jurisdiction between ecclesiastical and secular justices, the discussion surrounding the marriage of Margaret Maultasch revived hostilities between the pope and the emperor, offering the opportunity for a further attack on the concept of *plenitudo potestatis*.

On 10 February 1342, the aforementioned wedding was celebrated in the presence of the Bavarian. These nuptials crowned the last failure of diplomatic efforts aimed at healing the rupture that had for so long divided the Apostolic See and the Empire. The report of friars protected at the imperial court had contributed to emphasizing the ideological importance of the dispute, calling into question the concept of *plenitudo potestatis* on which the papal theocracy was founded and not ceasing to attack the figures of John XXII and of Benedict XII. If the Apostolic See amplified the polemical strength and the actual influence of the friars at the court of Munich, the Bavarian strategically utilized their theological and political deliberations to legitimize his own position. He did not hesitate to take his distances when he deemed it expedient. Many times he suddenly reversed his systems of alliance, signing unstable and fluctuating pacts now with France, and now with England. Benedict XII's diplomatic machine reacted with difficulty to the continued transformations of imperial politics. The pope opposed them with a monolithic program based on alliance with the French court that aimed at preventing the French-English war and at concluding the *reconciliatio*, which he essentially understood as a re-establishment of the *oboedientia* of the schismatic and heretic emperor and of his allies to the Roman Church. The strategy of rehabilitating rebels—which was pursued through both the revision of inquisitorial processes against rulers allied with the Bavarian and the suspension of interdicts on Italian cities—yielded good results. Benedict XII's inability to overcome the rupture with Louis the Bavarian represented the basis of his greatest failures, which were clearly political in nature and nullified all hope for a true pacification between the Church and the Empire. If the first small and tenuous openings toward a possible reconciliation with the emperor began in the final years of John XXII's pontificate, it was his successor who laid the foundations for a true rapprochement. Nevertheless, Benedict XII's diplomatic machine was grounded by Louis the Bavarian's repeated inversions and his sudden changes of alliance, which also involved the French crown. On the other hand, he left the Bavarian no room for negotiation in their talks on reconciliation. Return to Roman obedience had to be total and unconditional. It was to be followed—but not preceded—by an alliance with the French crown. Given these preconditions, the lines of détente and of diplomatic encounter could not but end in substantial failure.

CHAPTER 10

Apostolico conspectui: Heretics and Inquisitors between Centre and Periphery

Relations between the centre and the periphery were governed, in a disordered and irregular way, by an intention to supervise the exercise of ecclesiastical justice. The *Registra Avenionensia* and the *Registra Vaticana* preserve the memory of a wide variety of related cases and questions of heterodoxy for which the pope decided to have men and documents transferred to Avignon, or to intervene locally through legates and officials that he nominated, placing the various levels of ordinary and delegated ecclesiastical justice in direct connection.[1] Measures of various types point to a common goal of supervising and managing, if not also of reintroducing Roman centrality to the universal Church, through the exercise of justice. Evidence includes letters of summons calling defendants and witnesses before the pope (*apostolico conspectui*), requests for trial documents to be sent to Avignon, and interventions aimed at resolving locally originating conflicts, at supervising the activity of inquisitors, and at guaranteeing them freedom of action. The choice to manage specific cases from above was not irreversible though. The pope's subsequent interventions in the same judicial matter sometimes show a bouncing of roles and responsibilities between the centre and the periphery.

Centrally managing trials for heterodoxy required the collaboration of prepared, efficient, and trustworthy personnel at Avignon. Naturally, in addition to examining cases transferred to the curia, such officials had to see to extirpating the bad plant of heresy from the papal stronghold itself. Guillaume Lombard was Benedict XII's principal collaborator in the repression of heterodoxy at Avignon. Though we do not know much about this official's biography, he was a professor of civil law at the University of Toulouse and his profile as a jurist was particularly suited to the tasks to be performed. Benedict XII's esteem for his collaborator dates back to the days immediately following his election as pope. He confirmed it on many occasions by allocating prebends

1 On the organization of ecclesiastical justice, both ordinary and delegated, see Peter Herde, "La giurisdizione delegata pontificia nel Medioevo e nell'Età Moderna e le lettere di giustizia della Cancelleria Apostolica," in *La diplomatica dei documenti giudiziari* (*dai placiti agli acta, secc. XII–XV*) (ed.) Giovanna Nicolaj (Rome: Pubblicazioni degli Archivi di Stato, 2004), 25–47; Guillaume Mollat, *Les papes d'Avignon, 1305–1378* (Paris: Letouzey et Ané, 1964), 482–503.

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in the diocese of Mirepoix.[2] The subsequent phases of Lombard's career took place in the curia. He was officially nominated to Avignon in 1335.[3] On 17 June 1336, the pope empowered Lombard to prosecute individuals defamed for "heresy, schism, sorcery, charms, spells, or other crimes related to the faith"[4] according to the laws and privileges of the inquisitorial office. Fournier believed that in the Roman curia, "where the rays of faith should have shone even more clearly,"[5] many people attempted to lead the faithful into error. Lombard was also in charge of investigating the personnel of the curia itself. In 1337, for example, the pope entrusted him with an inquiry into the procurator Jean Christophe, who was accused of falsifying public records and of kidnapping, rape, and heresy.[6] At other times, Lombard was called to substitute other judges who were temporarily prevented from performing their duties. In 1336, he stood in for the bishop of Rodez, who—having to absent himself from Avignon—was unable to bring to conclusion his then-current inquiries into a friar minor suspected "of schism, heresy and other horrendous crimes."[7] Principle moving force of papal justice, the Avignonese official led numerous trials against fortune-tellers,[8] invokers of demons and women who have given themselves to the devil,[9] Fraticelli,[10] Beguins,[11] forgers[12] and other accused.[13] Having earned the full trust of the pontiff and been named inquisitor general of Avignon, Guillaume Lombard became the main collaborator to report to whenever it was necessary to transfer a trial to the curia or to investigate cases of particular importance at the centralized level.

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2 *Communes*, 1: 41, no. 315; ibid., 1: 21, no. 151 (see the List of Abbreviations).

3 Ibid., 1: 8, no. 43a.

4 *Bullaire*, 229–30, no. 153,; ibid., 226–7, n. 3. On Lombard see Jacques Chiffoleau, *Les justices du pape: délinquance et criminalité dans la région d'Avignon au quatorzième siècle* (Paris: Publications de la Sorbonne, 1984), 76f.

5 *Bullaire*, 229, no. 153.

6 *Bullaire*, 246–7, no. 165. Cf. Chiffoleau, *Les justices du pape*, 75f.

7 BF, 6: 24, no. 44.

8 Guillaume Altafex, cf. *infra*, 291–2.

9 Pierre Delcasse and Jean de Sauves (*Bullaire*, 239–40, no. 161, cf. *infra*, 293). Two women in the diocese of Viviers, (*Bullaire*, no. 171, cf. *infra*, 293).

10 Andrea da Gagliano (*Bullaire*, 240–2, no. 162); Guglielmo da Castiglion della Pescaia (BF, 6: 24, no. 44; BF, 6: 53, no. 78); Raimond Amiel (*Communes*, vol. 2, no. 6512).

11 Célestin Douais, *La procédure inquisitoriale en Languedoc au XIV^e^ siècle d'après un procès inédit de l'année 1337* (Paris: Picard, 1900), 31–89.

12 Mollat-Vidal, 525–7, no. 1822.

13 BF, 6: 24, no. 45.

Which cases were these? We cannot always derive enough information from Benedict XII's letters to understand his choice to examine specific cases regarding the *negotium fidei* at the central level. Details pertaining to then-current inquiries are sometimes lost in the iteration of inflexible formulae that summarize the content of charges without providing further particulars about them (*pro negotiis fidem tangentibus*; *de scismatis et heresis aliisque horrendis criminibus* . . .). Most often the reasons for which a given case was examined in Avignon remain hidden behind the formulae of summons or requests to have transcripts or documents sent to the pope's court. Other letters, on the contrary, are richer in information, enabling one to pinpoint recurring circumstances in which the pope deemed it opportune to intervene from above in such matters.

In this chapter, I will observe up close some of the contexts in which Benedict XII most frequently intervened from above in matters of heterodoxy, identifying his initiatives of supervision and coordination in matters of ecclesiastical justice. I will look in particular at the pope's attempt to enhance the functioning of inquisition tribunals, resolving conflicts between competing authorities, and seeking the support of secular authorities. Attention to the dynamics between the centre and the periphery in the fight against heretics bring us first to address the pope's intervention in three 'peripheral' regions of the inquisitorial organization. I will then concentrate on Benedict XII's measures to limit abuses and breaching of the rules on the part of friar inquisitors, above all in Italian areas. Focus on the occasions that led the pope to choose a management from above approach to ecclesiastical justice will push us at last to note a particular typology of trials involving clerics. Cases of magic and sorcery show in an especially elegant manner the pope's attempt to oversee the clergy directly.

10.1 The Protection of Secular Lords

Several measures by Benedict XII were aimed at guaranteeing fairness of the inquisitorial office and at supporting its freedom of action. Naturally, the collaboration, support, and protection of rulers and local lords constituted essential conditions for inquisitors to perform their duty best. Nevertheless, rivalry between competing authorities, combined with frequent osmosis between organs of justice possessing interchangeable jurisdictions, would often give rise to conflicts that blocked the free action of inquisitors, who were now opposed to bishops and now deprived of the support of local lords. I will concentrate on three regions—Bohemia, Ireland and Bosnia—that were characterized by

a more recent or less consolidated development of the inquisitorial institution and that requested on multiple occasions the pope's intervention to strengthen the activity of tribunals. The support the centre offered the periphery aimed in this case to make up for the lack of a stable framework of ecclesiastical tribunals by drawing the primary secular authorities of involved regions into the program for the defense of orthodoxy. It was in this context that the king of Bohemia, the king of England, and the counts of Bosnia received repeated requests from Benedict XII to collaborate in the fight against heretics.

During the summer of 1335, two new inquisitors took office in the Kingdom of Bohemia. In July, the Dominican Gallo of Neuburg took the inquisitorial post in Prague. The following month, the pope entrusted the minor Peter Naczeracz with the repression of heretics in the diocese of Olomouc.[14] As would normally happen, the pope accompanied the double nomination with a series of letters aimed at soliciting the collaboration of primary secular and ecclesiastical authorities in the region. The day of Gallo's installation in Prague, the pope sent a request of assistance for the new inquisitor to John of Luxembourg, king of Bohemia, to his first-born son, the future emperor Charles IV, to the bishop of Prague, and to the major friars in the diocese.[15] Similar letters were sent on the occasion of the friar Peter of Naczeracz's installation in Olomouc.[16] At the same time, the pope invited the king of Bohemia to receive the friar minor with goodwill and to facilitate inquisitorial activity in exchange for the complete remission of sins.[17]

Plenary indulgence was a common means by which the pope recognized and repaid secular authorities for their support of inquisitors. In 1340, the baron Ulrich of Novadomo also received this grace for "exterminating" great numbers of Teutonic and foreign heretics.[18] These heretics, it was rumoured, were persecuting Christians throughout the kingdom by means of theft and violence. Furthermore, many of them, once brought back to orthodoxy by the inquisitor, fell again into error and assembled in conventicles with masters

14 *Communes*, 1: 202, no. 2339. Ibid., 1: 204, no. 2359. On the repression of heresy in Bohemia in the fourteenth century, see *Quellen zur Boehmischen Inquisition im 14. Jahrhundert*, (ed.) Alexander Patschovsky (Weimar: Hermann Boehlaus Nachfolger, 1979), esp. 173–256 on Gallo di Novocastro.

15 *Communes*, 1: 202, nos. 2340–2.

16 Ibid., 1: 204, no. 2357.

17 BF, 6: 11–12, no. 15.

18 The majority of heretics in the Kingdom of Bohemia were associated with Germanic origins in the early fourteenth century, be they identified as Waldenses, Beguines, Begards, or simply as rebels with respect of ecclesiastical norms and regulations. See *Quellen*, (ed.) Patschovsky, 71–82.

whom they called "apostles."[19] A year and a half later, during a temporary absence by Ulrich of Novadomo, who had gone to Avignon to discuss the fight against heretics in the curia, they sacked and burned his castle and various cities. As a consequence, the pope renewed his appeal for cooperation. On 13 September 1341, he urged the baron Ulrich and Charles of Bohemia to offer help and favours to Gallo and to other inquisitors. The pope also involved leading figures of the kingdom.[20] He sent another letter the same day to the bishop of Prague, whose cooperation he deemed essential for the success of the repression campaign. Benedict specifically urged him to make episcopal prisons available to the inquisitor and to assist him in the concluding phases of his trials.[21] The double series of letters sent only a couple of years apart to the bishop, to the heir of the Bohemian throne, and to the baron Ulrich indicate not only a certain vitality of groups deemed heretical in the most important cities of the kingdom, but also the limits of the support that the inquisitor of Prague received. If it is true that six years after his installation Gallo still had to turn to papal mediation in order to make use of the episcopal prisons, the collaboration between the bishop and the inquisitor appear especially muddled in the Bohemian capital.

In Bosnia, too, the activity of inquisitors seemed blocked by other local authorities. It appears, in fact, that the son of the *ban* Stjepan II Kotromanić and other lords hindered the functioning of ecclesiastical tribunals by providing assistance to heretics. The success of the inquisition in Bosnia was undermined by the very absence of a veritable rooting in the territory. Mendicant friars constituted a foreign presence in the region, where they interacted above all with foreigners and local noblemen and remained extraneous to the particularities of Catholicism in the Glagolithic tradition and to its convergence with Christian heterodoxy. In a context in which Catholic bishops were often tied to those accused of heresy and there existed a profound divide between the local clergy and the Holy See, those who punished the heretics—almost exclusively friars minor since 1298—were easily assimilated to foreign occupants.[22] Benedict XII understood that the activity of ecclesiastical tribunals would be made easier by a greater involvement of the region's secular authorities.

19 *Communes*, 2: 278, no. 8102.

20 Mollat-Vidal, 191–231, no. 91. Ibid., 191, no. 3190.

21 Ibid., 191, no. 3189.

22 Cf. Slavko Slišković, "Inquisizioni e frati minori in Bosnia," in *Frati minori e Inquisizione* (Spoleto: Centro italiano di studi sull'Alto Medioevo, 2006), 383–408.

In May 1337, he therefore turned to four Bosnian counts, exhorting them to help the inquisitors.[23]

The pope's initiatives were not without results. Following the mediation of the king of Hungary, Charles I, in 1340 there was a diplomatic meeting between the minister general of the Minorite order and the *ban* of Bosnia, Stjepan II, to discuss the expulsion of heretics from the region.[24] The minister remained for a certain period of time in Bosnia with the double intent of defending orthodoxy and of consolidating the Minorite presence in the region. The meeting occurred in the best of ways. In spite of his fame as a protector of heretics, the *ban* welcomed his guest with all possible honours and communicated his plan to extirpate all heretics from the region. The king of Hungary joined the anti-heresy front out of concern for what was happening so close to the borders of his own kingdom. There was no doubt that in the pope's eyes the king of Hungary was a leading interlocutor in the defense of orthodoxy in Central Europe. Hungary's concern for Bosnian events was in fact longstanding. Since the second half of the twelfth century, Hungary often found justification for its expansionist aims in accusations of heresy directed at the Bosnian population.[25] With yet another letter the pope attempted to strengthen the anti-heretical commitment declared by the *ban* during the meeting. He urged the prince to put his intentions into practice and to keep the Apostolic See informed through his legates. For his part, Benedict XII must have favoured the *exterminium* of Bosnian heretics. He was convinced that even the king of Hungary, Charles I, would support such a mission, receiving in return the complete remission of sins.[26]

Another area in which the repression of heterodoxy seemed to have encountered more than a few difficulties was Ireland. On the island, where inquisition tribunals were still absent, the fight against heretics was entrusted to the initiatives of bishops. Some problems emerged in 1335 in the diocese of Ossory, where the cathedral church and the possessions of the bishop Richard were damaged and sacked at the hands of certain 'heretics.' As in similar cases, Benedict XII intervened in defense of the bishop, seeking the intervention of Edward III of England in his favour. He asked the king to guarantee the restitution of the prelate's possessions and reminded him that the job of rulers

23 BF, 6: 48–9, no. 65.

24 BF, 6: 74–5, no. 120; Tăutu, *Acta Benedicti XII*, 97–8, no. 44.

25 Slišković, "Inquisizioni e frati minori in Bosnia," 386–7.

26 Cf. BF, 6: 75, n. 1. In the summer of 1335, Benedict had already complimented the king of Hungary for the successes he had obtained against the "enemies of the Christian faith," Mollat-Vidal, 116, no. 478.

is also to protect the anti-heresy office.[27] In another letter the pope offered greater details about the situation in Ossory, where there were diverse heretical groups, but ones in contact with each other. The pope spoke about it in unusual depth, intimating that in the Irish diocese there coexisted various magical-witchy tendencies or vaguely irreverent ones toward the doctrine and the institutions of the Church. Some maintained that Christ was a man and a sinner and that he was justly crucified for his sins. Others performed sacrifices to the devil, paid homage to him, and held heterodox positions concerning the Eucharist. They said that they did not feel obliged to believe in decretals or to obey them. They made converts, whom they pushed to invoke demons and to carry out pagan rites. Benedict XII recognized that repression of these heretics was rendered more difficult by the absence of stable ecclesiastical tribunals in Ireland and in the Kingdom of England, where the rights and privileges of the inquisitorial office were unknown. He thus deemed it of fundamental importance for the king of England and his men to help the Irish clergy against the heretics of Ossory, judging that, as in Bosnia and in Bohemia, in Ireland, too, it was necessary to make up for lacunae in the inquisitorial office by relying on the highest secular authorities.[28] The centre's interference in the affairs of these peripheral regions with respect to the penetration of inquisitorial justice essentially translated into diplomatic initiatives launched by the Apostolic See with the goal of involving the major local authorities, making their forces converge in a common mission against the enemies of the faith.

10.2 Against Inquisitorial Abuse

In his letter of appointment for the new inquisitor of Carcassonne, Aymon de Caumont (January 1337), Benedict XII indicated the criteria that had guided his nomination. He affirmed having chosen a person "whose honesty offered an example of purity, whose erudite lips proffered the salutary doctrine of true wisdom, so that through his sacred ministry such words might correct every disorder." The pope thus chose as new inquisitor the Dominican, in whose mind God had infused a sincere and mature faith, erudition, and moral substance.[29]

If these were the qualities that the pope was hoping to find in an inquisitor, the reality of the facts must have disappointed him on many occasions. Beginning in the late thirteenth century, instances of the inquisition's

27 BF, 6: 12–3, no. 17a.

28 BF, 6: 12–3, no. 17b.

29 *Bullaire*, 240–2, no. 162.

malfunctioning were multiplying in Italy and in France. This frequently rendered the coexistence of delegated judges and bishops, citizen communities and local bodies of power. Benedict XII intervened resolutely to blunt abuses and malpractices of inquisitorial friars. The pope was aware that the incorrect exercise of justice by their office could disrupt the harmony among involved parties, to the detriment of the very mission of the tribunals of faith. The management of possessions confiscated from heretics and their descendants created, for example, the opportunity for enrichment that conferred upon the inquisitor an economic role of great importance. The inevitable degeneration of the office ensued, culminating in cases of extortion, falsification, and undue hoarding of assets. It is not surprising that individuals sought recourse to papal mediation in such cases. As the pope's delegated judges, inquisitors were not in fact subject to ordinary ecclesiastical justice. Only the leader of the Church could open an inquiry against them. The supervision of inquisitors' activity—which was certainly not done in a systematic way—represents one of the principal occasions on which the central authority interfered in the business of local tribunals.[30]

Benedict XII intervened repeatedly in Italy as in France to put an end to the malfunctioning of the inquisitorial office. On the peninsula, attempts to restore the integrity of the anti-heresy tribunals concerned the Minorite inquisition above all. As we saw in Chapter 9, in Benedict's time the principal intermediary between the Apostolic See and the delegated judges in Italy was the apostolic nuncio Bertrand de Déaulx. In a letter addressed to him in May 1336 the pope declared being aware of the abuses that inquisitors in the province of St. Francis had committed and continued to commit. He thus charged the nuncio with the task of ascertaining the facts and, if necessary, of suspending inquisitors.[31] He sent another letter addressing similar topics to the nuncio a couple of months later. The pope was informed that some inquisitors active in various Italian provinces were not performing their duties correctly, but that, on the contrary—moved by avarice and personal grievances—they were unjustly oppressing the innocent. After having decreed the deposition of

30 See Lorenzo Paolini and André Vauchez, "In merito a una fonte sugli *excessus* dell'Inquisizione medievale," *Rivista di storia e letteratura religiosa* 39.3 (2003): 567–78; Paolini, "Le finanze dell'Inquisizione in Italia, XIII e XIV sec.," in *Gli spazi economici della Chiesa nell'Occidente mediterraneo* (Pistoia: Centro Italiano di Studi di Storia e d'Arte, 1999), 441–81; Marina Benedetti, "Le finanze dell'inquisitore," in *L'economia dei conventi dei Frati minori e Predicatori fino alla metà del Trecento* (Spoleto: Centro italiano di studi sull'Alto Medioevo, 2004), 363–402.

31 BF, 6: 16–7, no. 26.

inadequate friars, the pope dwelt on the characteristics that their substitutes ought to possess: discretion; honesty and purity of heart; zeal for God; love of justice and distain for avarice; respect for the law and aspiration for eternal goods alone.[32] The pope renewed his demands three months later, specifying that the apostolic nuncio had full power to dismiss inquisitors who were ill suited to the post and to select their successors.[33]

In the same period, the pope solicited the rector of the Patrimony of Saint Peter in Tuscia to examine the conduct of Tuscan inquisitors who were accused of negligence.[34] Some documents related to this region do in fact confirm that the office of the inquisition, though entrusted to friars minor, constituted an easy means of personal enrichment. In 1338, the pope summoned before himself the Tuscan ex-inquisitor Accursio Bonfantini, who had taken advantage of his post to seize property around Siena and Florence without anyone realizing it.[35] The inquisitor Filippo Orlandi, by contrast, had the public notary Giovanni of Sarzana incarcerated "for personal grievances," showing how the prisons in particular lent themselves to being used in an instrumental and personalistic way. The notary was in fact entrusted with the direction of the affairs of the Apostolic Chamber in Tuscia and in this role he accused the inquisitor of having appropriated earnings owed to the Chamber, incurring his vengeance. The pope's reaction was peremptory. In 1337, he had Giovanni of Sarzana freed and ordered the transfer of the case to Avignon to prevent the inquisitor from harming him again.[36]

Benedict attempted to examine the conduct of ecclesiastical judges, and when required, to discharge them from their responsibilities through the mediation of reliable collaborators. In addition to the apostolic legate, this supervision was entrusted above all to bishops, who seemed best suited to lay bare abuses and misconduct given that they were physically present but not involved in the tribunals. Established by the pontifical decree of Boniface VIII and later reinforced by the Council of Vienne, the bishops monitoring of

32 BF, 6: 23–4, no. 43.

33 Mollat-Vidal, 341–2, no. 1204; ibid., 401, no. 1387.

34 BF, 6: 23, no. 41; BF, 6: 717–8. On the abuses of the inquisition in Tuscany, see Mariano d'Alatri, *Eretici ed inquisitori in Italia: studi e documenti* (Rome: Istituto storico dei Cappuccini, 1986), 1: 269–95; Caterina Bruschi, "Inquisizione francescana in Toscana fino al pontificato di Giovanni XXII," in *Frati minori e Inquisizione*, 285–324, esp. 293–4 and n. 13.

35 Mollat-Vidal, no. 1903. See the entry by Eugenio Ragni, "Accursio Bonfantini," in *Dizionario Biografico degli Italiani* 12: 10–1.

36 BF, 6: 48, no. 64. Benedict XII also involved the bishop Francesco Silvestri, who received an analogous letter on the same date, Mollat-Vidal, 384, no. 1324.

inquisitor activity became apparent in the ratification of decisions, the supervision of rulings and condemnations, and the attempt to curtail abuses of power of every kind.[37] In 1335, the bishop of Florence was entrusted with an investigation of the Tuscan ex-inquisitor Mino Daddi of Saint Quirico, who was accused of unjust seizures. The duke and the duchess of Bourgogne reported his actions with the intention of recovering lands near Florence that had once belonged to their ancestors but that the inquisitor had expropriated, claiming that they belonged to a heretic.[38] This was not the first time that Mino Daddi was accused of unjustly usurping possessions. As is well known, a veritable disciplinary inquest was launched against him in the year 1333–34 following accusations of abuse and corruption raised against him in Siena even before he was transferred to Florence. Upon the request of the papal collector, the friar had to assent to the examination of his registers and accounts, inventories of books, and properties. Mino emerged from the trial with a clean record. In Florence, he proceeded to carry out his own duties as well as the abuses for which he had been publically defamed.[39] A series of letters dated 14 March 1335 illustrate the pope's persistent attempt to get ahead of this affair, which also implicated John XXII, and to recover a sum in excess of 1400 florins that Mino had amassed by taking advantage of his office. This money was to go to the Apostolic Chamber, but the inquisitor had given it to a Florentine merchant as a deposit. Summoned to Avignon by pope John to discuss the matter, he then left without permission. Benedict XII turned to writing to the ex-inquisitor, to his successor Filippo Orlandi, and to the apostolic nuncio in Tuscia in the hope of recovering the illegitimately confiscated sum.[40]

Benedict's focus on the failings of the Tuscan inquisitor also emerges in later interventions. In November 1335, the pope requested that a copy of the records for a trial conducted by the said inquisitor against the late Giacomo Scaglia, which concluded with his posthumous condemnation for heresy, be sent to the curia. He judged it opportune to have the papers sent to Avignon following an appeal by Scaglia's widow. According to her, the inquisitor had stained

37 Paolini, "In merito a una fonte sugli *excessus*," 570; Bruschi, "Inquisizione francescana in Toscana," 297–305.

38 BF, 6: 7, no. 6.

39 Bruschi, "Inquisizione francescana in Toscana," 305–7, 318–22; Girolamo Biscaro, "Inquisitori ed eretici a Firenze," *Studi medievali* 6 (1933): 161–207; F. Calley, "Un épisode de l'inquisition franciscaine in Toscane. Procès intenté à l'inquisiteur Mino de St. Quirico 1333–4," in *Mélanges d'histoire offerts à Charles Moeller* (Louvain: Bureau de Recueil, 1914), 529–32; D'Alatri, *Eretici ed inquisitori*, 258; Paolini, "Le finanze dell'Inquisizione," 479–80.

40 Mollat-Vidal, 21–22, nos. 98–102.

the memory of her husband so as to take possession of his goods.[41] This once again confirmed the fact that seizures constituted a notable opportunity for inquisitors to enrich themselves, and thus encouraged personalistic behaviour. The case of Giacomo Scaglia was examined with particular caution given the interests that gravitated around it: there were, in addition to the claims of the widow and of the Florentine inquisitor, those of a creditor to whom the deceased owed a conspicuous sum.[42] With the sending of papers to Avignon, asset management was transferred to the Apostolic See. Possessions included a house, lands, and other properties located in the Florentine diocese. A few years later, Benedict XII must nevertheless have noticed that this estate had been poorly managed and he ordered its sale to the highest bidder, based on a number determined by the apostolic collector.[43]

The distribution of goods issuing from inquisitorial seizures was progressively clarified by papal and conciliar legislation. Forms that provided for a tripartition of goods to the advantage of the inquisitor, the bishop, and the Comune, or for the unequal bipartition between the inquisitor (two-thirds of the seized goods) and the Comune (one third), seemed to be replaced in the early fourteenth century with an arrangement involving the Apostolic Chamber too. Pontifical inquests of the period suggest in fact that the tripartition system had fallen into disuse and that the pope's officials expected a portion of the revenues.[44] Benedict XII's letters illustrate clearly the importance of these claims: one third of property and two thirds of possessions expropriated by inquisitors would be owed to the Apostolic Chamber.[45] As it emerges in numerous cases, the pope did not hesitate to intervene where distribution was not correctly implemented. The task of appropriating confiscations destined for the pontifical estate from inquisitors was assigned to the apostolic collector or to the treasurer; in the years in question, the function was entrusted in Tuscany to Giovanni di Pererio.[46]

Handling eminently pecuniary matters put the functionary at risk for facile enmities with inquisitorial personnel. After a difficult relation with friar Mino, Giovanni di Pererio entered into open hostility with Simone Filippi too. It was the latter who directly related to the pope the reasons for this ill will. In his words, the collector expected a larger portion than that legitimately owed to

41 BF, 6: 14, no. 18.

42 *Communes*, 2: 203–4, no. 7396.

43 Mollat-Vidal, 566, no. 1953; ibid., 643, no. 2203.

44 See Paolini, "Le finanze dell'Inquisizione in Italia," 444f., 477.

45 Mollat-Vidal, 39, no. 2764.

46 BF, 6: 70, no. 111; Mollat-Vidal, 39, no. 2764; BF, 6: 74, no. 119.

the Apostolic Chamber.[47] On the one hand, friar Simone deplored the generally difficult relations that blocked on multiple fronts his freedom of activity: the Comune of Siena had issued statutes that slowed down and curtailed the tribunal's freedom of action, while officials of the Comune of Florence struck the friar with damages and threats.[48] On the other hand, a diplomatic intervention was necessary to put an end to a situation in which economic demands intertwined with the centrifugal tendencies of pontifical directives in the Guelph city of Siena and with hostilities toward Franciscan inquisitors. On 31 January 1340, Benedict XII wrote to all of the parties involved, inviting the Comune and the bishop of Siena, Donosdeo Malavolti, to revoke or to moderate the city statutes, directing officials of the Comune of Florence to collaborate with the inquisitor and to the apostolic collector not to beset it with excessive demands. As for friar Simone, the pope reminded him to carry out his own duties, keeping before his eyes only God and avoiding indulgence in greed.[49]

In other cases, too, the demands of bishops and inquisitors seemed to impair the prerogatives of the Apostolic Chamber such that it solicited a central intervention. In 1337, the pope summoned to Avignon the friars Simone of Spoleto and Macarello of Assisi, ex-inquisitors of the Roman province who were accused of appropriating a sum of money and certain goods that were to go to the Apostolic Chamber.[50] The following year, Benedict XII directed the treasurer of the March of Ancona to requisition, in the name of the Chamber, goods of a trader who was condemned as a usurer and as a supporter of heretics.[51] Nevertheless, the pope had to check the demands of the bishop of Perugia, who hoped to keep in his possession the goods seized.[52]

Benedict sought to ensure the good conduct of the inquisitorial tribunals in French territories too. The proximity of the apostolic stronghold played in favour of appeals, easing the transfer of papers, defendants, and witnesses to Avignon. Benedict XII's registers thus retain traces of the various proceedings related to abuses of power and to procedural misconduct in tribunals located in Languedoc that were initiated locally but pursued in the curia. His desire to guarantee the correct functioning of the tribunals emerges, for example,

47 Mollat-Vidal, 9–10, no. 2684.

48 Ibid., 10, no. 2685.

49 BF, 6: 74, no. 119. On Donosdeo de' Malavolti cf. Julien Théry, "Faide nobiliaire;" on abuses and excesses of the Minorite inquisition in the fourteenth-century, see Bruschi, "Inquisizione francescana in Toscana," 303–10.

50 BF, 6: 51, no. 73.

51 Mollat-Vidal, 506, no. 1733.

52 Ibid., 357–8, no. 1252.

on the occasion of a heated controversy that opposed certain illustrious citizens of Albi to personnel of the tribunal of Carcassonne. The notary Menet de Robécourt was at the centre of these polemics. He had been a collaborator of the inquisitor of Carcassonne since 1320 and an apostolic notary since 1323.[53] It would appear that Menet did not limit himself to drawing up trial records. He had also led many interrogations in Carcassonne, where he incurred weighty accusations of corruption, abuse of power, and violation of the rules. This information reached Jacques Fournier even before his election as pope, when in the cardinal's robe he had welcomed a delegation of consuls from Albi during their visitation in Avignon. One of them made use of the occasion to denounce the injustices committed in his city by certain officials of the inquisition of Carcassonne, who were prepared to take advantage of their power so as to oppress citizens and to extort money. In addition, he offered, it would be a good rule for notaries not to take testimonies if inquisitors were not also present.[54] Mindful of his own experience, Fournier observed in return that "at the time in which we were listening to witnesses or others in matters of faith, we did not want any notaries listening to them unless we were present."[55]

A few years later, Menet tried to strike back at the individual who reported him, opening a trial aimed at identifying that consul as a supporter of heresy and an enemy of the inquisition. Once pope, Fournier was again involved in the affair, believing it opportune to transfer the inquiry to Avignon. He therefore summoned Menet and the consuls of Albi, and then delegated the inquiries to the cardinal Bertrand de Montfavet.[56] The remonstrances of the consuls were gathered in a libel in which they asked for Menet to show, if he possessed it, the mandate that had authorized him to open a suit against them.[57] On 18 February 1340, the pope proclaimed in public consistory the judgement against Menet, stripping him of all functions in the inquisitorial tribunal and redeeming the

53 In this guise he had already collaborated many times, with the bishop Fournier in Pamiers too, cf. Jean-Louis Vidal, "Menet de Robécourt, commissaire de l'Inquisition de Carcassonne," *Le Moyen Âge* (1903), 425–49. *Bullaire*, 266–72, no. 176.

54 "Dicebatur quod propter favorem eiusdem officii recipiebant multas corruptiones et faciebant multas oppressiones et exactiones de quibus non recipiebat aliquem honorem officium nec civitas prelibata; et quod esset bonum quod nullus notarius faceret processus vel audiret personas super facto fidei nisi inquisitor huius esset presens," BF, 6: 267, no. 176.

55 "Temporibus quibus nos audiebamus testes vel aliquos de facto fidei nolebamus quod aliquis notarius eos audiret, nisi nos presentes essemus," ibid.

56 The records remain for the summons of Menet (*Bullaire*, 230–1, no. 154) and of the *cives* of Albi (*Bullaire*, 232, no. 155).

57 *Bullaire*, 272, no. 176.

consul of Albi. The notary, who had opened a suit without having the authority to do so, was moreover ordered to pay all legal costs for the proceedings and to pay the opposing party an indemnity of 150 gold florins.[58] As often happened in cases of appeal, Benedict XII ruled in favour of the offended party, attempting to restore the balance of rights and the harmony among competing authorities. A lawsuit brought against an inquisitorial notary by a group of consuls nevertheless offers a measure of the limits within which appeals to pontifical judgement played their part. The social background of the individual who launched the appeal determined these bounds.

This is what we observe in the appeal that the nobleman Hervé de Trévalloet made in 1335 to the Apostolic See.[59] He claimed he was the victim of a plot hatched by enemies who accused him of casting spells (*sortilegia*) and who produced three false witnesses in support of the defamation. This sufficed for the judges who handled the case—the bishop of Quimper and the inquisitors of Tours—to seize all of the accused's possessions, without even having summoned him, and to do the same to his wife and to his siblings. While some of his witnesses were incarcerated, tortured and entrusted to the secular arm, Hervé found the only possible escape in appealing to the Apostolic See. One of the inquisitors and the procurator of the enemy party were summoned to Avignon, but they fled in the dead of night. Desiring for "whoever wished to prove their innocence to find the door of justice open,"[60] the pope thus appointed three commissioners and charged them with summoning the bishop's successor and the two inquisitors to answer for the unjust proceedings against the nobleman. The transfer of the case to Avignon took a turn to Hervé's benefit. Within a year and a half he obtained a reversal of the sequestration of his possessions. Moreover the pope granted disposition to all interested parties to present their witnesses and to send to the Apostolic See the trial records, so long as they were intact and authentic, free of truncations or tampering.[61] While supervising the process, the pope entrusted part of the work to intermediary figures of various levels who were charged with summoning the accused and witnesses, and of overseeing the restitution of confiscated goods. Even though it sometimes constituted a privileged means for evading the oppression of local

58 Ibid.; *Bullaire.*, 277–8, no. 181.

59 *Bullaire*, 213–9, no. 143. Jean-Louis Vidal, "Affaire d'envoûtement au tribunal d'Inquisition de Tours. Intervention de Benoît XII (1335–1337)," *Annales de Bretagne* 18 (1902–3), 491.

60 "Ut quisquis patefacere volens suam innocentiam susceptricem inveniat iustitie ianuam . . .," *Bullaire*, 216.

61 "Veris, perfectis, seu integris, non truncatis, nec diminutis, nec alteratis ex nova fabrica," ibid., 236–7, no. 158.

judges, the appeal to papal justice did require an expensive transfer of men and documents that could be slowed down and confused by the inefficiency of collaborators, by the difficulty of moving witnesses, by the possible tampering of documentation, and by the possibility that, in the process, some functionaries might die. Two and a half years after Hervé's appeal, a letter from the pope to the bishops of Quimper and Vannes indicated that the case remained far from concluding.[62]

Between successes and failures, Benedict XII's pontificate was characterized by a consistent effort at monitoring for possible degenerations of the inquisitorial machine. Given the opportunities for enrichment and for abuse of power implicit in the position of inquisitors, the pope and his delegates watched ecclesiastical tribunals with particular attention. Numerous initiatives were aimed at containing abuses of powers, indiscriminate confiscations, and procedural vices, in the attempt to ensure fairness of the institution appointed to defend orthodoxy. Complementing the struggle against degenerations of the inquisitorial office was the attempt to guarantee its freedom of operation. Where there arose disagreements and conflicts of jurisdiction with other local authorities, lay and ecclesiastical, a regulatory intervention was necessary to preserve the fight against heretics. In Chapter 9, we described the pope's measures, through the figure of the apostolic nuncio, to solicit repression of dissident friars in the Italian peninsula. Our analysis of the three regions of Bohemia, Bosnia and Ireland—which share a weak or absent inquisitorial presence and a certain isolation of inquisitorial friars—highlights how important the support of sovereigns or local leading figures was for the fight against heretics. The functioning of the inquisitorial machine could be harshly compromised by their lack of cooperation. This led to diplomatic initiatives aimed at resolving from above those disagreements and rivalries that could destroy the efficiency of ecclesiastical tribunals. In other instances, the Apostolic See opted instead for a centralized management of cases already begun by inquisitors at the local level. The typologies of trials in progress are various. They include appeals, proceedings of dubious fairness, conflicts of jurisdiction, but above all investigations in which ecclesiastics figure as the accused party.

10.3 Magic and Sorcery, Divination and Devil Invocation

Following John XXII's regulations on magic, cases of spells and sorcery (*sortilegia et maleficia*), of invoking demons, and of necromancy made their entrance

62 Ibid., 252–6, no. 169.

into tribunals of the inquisition. Such cases are quite distinct from the witchlike phenomenon that would spread across the Christian West beginning in the fifteenth century. If many scholars agree in identifying in the first half of the fourteenth century the emergence of the demoniac character of such practices and of their proximity to heresy, there is no doubt that the trials opened in this period were still distant from the stereotype of the sabbath, of nocturnal flights, and of the pact with the devil.[63] With respect to the period of the Pamiers inquiries, the years of Benedict XII's pontificate attest a more urgent concern for these manifestations, the heretical nature of which—as we have seen—was being clarified in the years 1320–27. Still far from possessing a juridical qualification, *sortilegia et maleficia* are the object of investigations carried out by inquisitors, but also by episcopal and civil courts, and by the Apostolic tribunal. Uncertainties regarding the appointment of competent tribunals had already emerged in the course of John XXII's pontificate: if, on the one hand, the facts of ritual magic were compared to heresy, on the other, in 1330 the pope himself sought to place limits on the initiative of inquisitors, forbidding them from opening new trials against sorcerers and magicians without a proper pontifical request.[64]

Benedict XII's registers preserve traces of his numerous interventions in cases of *sortilegia et maleficia*. These documents provide little information with respect to the phenomena pursued, which are often mentioned only through very brief allusions. They do prove to be useful enough, however, to reconstruct the orientations of pontifical justice in regard to such imputations. As we will see, under no circumstance did Benedict delegate the investigations to inquisi-

63 On the measures of John XXII, see *Le pape et les sorciers. Une consultation de Jean XXII sur la magie en 1320* (*manuscrit B.A.V. Borghese 348*), (ed.) Alain Boureau (Rome: École Française de Rome, 2004); Boureau, *Satan hérétique: naissance de la démonologie dans l'Occident médiéval* (*1280–1330*) (Paris: Jacob, 2004); and Isabel Iribarren, "From Black Magic to Heresy: A Doctrinal Leap in the Pontificate of John XXII," *Church History* 76 (2007): 32–60. The bibliography pertaining to the rise of witchlike phenomena in Europe is extensive. I limit my recommendations to Norman Cohn, *Europe's Inner Demons* (New York: Basic Books, 1975); Richard Kieckhefer, *European Witch Trials: Their Foundations in Popular and Learned Culture, 1300–1500* (Berkeley: University of California Press, 1976); Edward Peters, *The Magician, the Witch, and the Law* (Philadelphia: University of Pennsylvania Press, 1978); Franco Cardini, *Magia, stregoneria, superstizioni nell'Occidente medievale* (Florence: La Nuova Italia, 1979); Carlo Ginzburg, *Storia notturna: una decifrazione del sabba* (Turin: Einaudi, 1989); Jean-Patrice Boudet, *Entre science et nigromance: Astrologie, divination et magie dans l'occident médiéval, XII^e–XV^e siècle* (Paris: Publications de la Sorbonne, 2006).

64 *Bullaire*, 154–6, no. 103.

tors. He thus adhered to the positions of Jacques Duèse. The pope's correspondence shows, rather, his intent to remedy manifest conflicts of jurisdiction or to take over the judgement himself or to have his closest collaborators do so.

Benedict XII's first interventions regarding magic date to 1335. They concern the trial conducted in the curia against Guérin, an ecclesiastic in the diocese of Paris who was detained in the apostolic prisons. The accused was defamed for "diverse and horrendous spells, sorcery, and errors." He was accused, moreover, of having conspired against certain high-ranking individuals. On 24 April, the pope wrote to the bishop of Paris, Guillaume de Chanac, ordering him to retrieve and to send to the Apostolic See as soon as possible documents related to the inquiry that the previous bishop and the inquisitor in office had opened locally before the accused was transferred to Avignon.[65] Characteristic elements of Benedict XII's later interventions in magic phenomena already appear in this first letter. An important first fact concerns the reasons for the transfer of the trial to Avignon. The defendant was not only accused of having conspired against eminent figures, but above all he was a man of the Church, which seemed to render it opportune for a higher authority to intervene in the inquiries launched by a bishop and by an inquisitor. While the accused was enclosed in the papal prisons, Benedict therefore requested the transfer of documents to the Apostolic See. Subsequent letters confirm the papacy's decisive process of centralizing justice with respect to cases of magic and sorcery, especially to the extent that ecclesiastics were personally involved in the charges. Another fact worthy of highlighting concerns the geography of these interventions. It must be observed that the pope's initiatives with respect to magical practices are essentially limited to French territories and to the county of Foix. The proximity of these zones to the pontifical city rendered the transfer of trials to the curia easier, resulting in a geographically homogeneous and circumscribed distribution of centralizing interventions.

These observations are applicable to the majority of trials for magic documented in Benedict XII's registers. We find confirmation of this, for example, in the case against Guillaume Altafex, a diviner from London who was detained in Paris because it was believed that he had performed curses and evil spells. On 13 April 1336, the pope wrote to the bishop of Paris, inviting him to transfer the diviner to Avignon. The pope ordered him, moreover, to retrieve and to send to the curia certain amulets (*laminae*) of which the necromancer had availed himself to cast his spells. The fact that Altafex was a cleric also seemed to be the triggering cause in this case for the choice to transfer the accused and the evidence to Avignon. Once again the pope entrusted the trial against the

65 *Bullaire*, 222, no. 146.

necromancer to Guillaume Lombard, his closest collaborator in the management of heresy cases in the curia.[66]

The pontifical court's *inquisitio* for cases of magic had to involve close collaboration with local authorities who were indispensible to the capture of the accused. In 1336, the pope turned to the count of Foix, Gaston II, asking him to arrest three laymen and an ecclesiastic from the county who were charged with having cast spells and invoked demons, and to have them sent under escort to Avignon.[67] Two of them were captured in Béarn and transferred to the curia where Guillaume Lombard would supervise the ensuing phases of the trial.[68] The pope additionally asked the bishop of Tarbes to send him the records for inquiries conducted locally, and he ordered the local clergy to provide for the needs of those who had to escort prisoners to Avignon.[69]

As is has emerged on many occasions, the involvement of clergy members often appears as a principal reason for Benedict XII's intervention in cases pertaining to magic. Along this line is an inquiry opened by the pope in 1339 in the abbey of Boulbonne, the religious house where he took his vows. Here, according to what Benedict reports, certain monks and a friar of Rieux, desirous of enriching themselves, met at the abbey gates, where they made a pact of mutual fidelity to secretly practice *alchimia*. They had heard about a magical treasure in the possession of an enchanted woman on a similarly enchanted mountain in the outskirts of Limoux. To appropriate it, the companions obtained a wax image and placed it on the altar of a chapel adjacent to the abbey for a few days with the intention of baptizing it. The abbot then found nine needles with which the accomplices intended to pierce the image to learn where the treasure was hidden. The pope made his pronouncements on these actions, but he preferred to leave the case to the abbot of Boulbonne. The pope ordered him to conduct preliminary inquiries, to keep the books, writings and objects of the monks, and to prevent them from fleeing.[70]

Benedict XII reacted with the same concern when faced with news about what had been happening in the abbey of Doberan, in Meclemburg. Having fallen into poverty and desolation, the Cistercian house was the stage of obscure events. The pope learned that not only incantations and spells (*incantationes et sortilegia*) were performed there, but even homicides. Confronted with this news, local noblemen arrested the abbot and selected monks. Secular

66 *Bullaire*, 226, no. 150; and ibid., 228–9, no. 152.

67 *Bullaire*, 232–3, no. 156. Ibid., 239, no. 160. Daumet, 166, no. 254.

68 *Bullaire*, 238, no. 159. Cf. Daumet, 160, nos. 255–6.

69 *Bullaire*, 239, no. 160.

70 Ibid., 263–5, no. 175; ibid., 275–6, no. 179.

and ecclesiastical jurisdictions overlapped in the events of the abbey. While news of the murders caused secular justice to intervene, the pope could not remain immobile before the degeneracy of the Cistercian house, and he invited the abbots of Hilda and Buconia to investigate what had happened.[71]

Although papal letters are barren of information on the content of magical acts, it is sometimes possible to find references to pacts with the devil. This is what comes to light in the case of two women in the diocese of Viviers who were captured and enclosed in papal prisons for having given their soul and body to the devil, promising him a certain amount of grain every year, and committing other offenses together with him.[72] News of the diabolical pact brought about a requisite intervention by the pope, who again entrusted the *inquisitio* to Guillaume Lombard.[73] The decision to entrust to papal justice a case that differed from others because the accused were laymen points to a renewed fear of demoniacal invocations. We derive from this—in the absence of unequivocal and rigidly codified courses of action—that there remained a decided flexibility of intervention leading to a centralized management of those cases deemed most serious. Many similar examples reveal the disquiet that had began to ferment in the 1330s and 1340s around *sortilegae mulieres*—men devoted to magical arts or to invoking demons. In 1336, for example, Benedict XII entrusted Lombard with the investigations of certain offenses committed by a priest, two laymen, and a woman from the area of Toulouse, who were incarcerated in Avignon. The pope asked to be personally informed if the prisoners became suspected "of sorcery, charms, or spells."[74] A year later Benedict again charged the Avignonese official with investigating a laymen and an ecclesiastic regarding "invocations of demons, sorcery, charms, magical arts, and similar crimes."[75]

The nature and classification of these phenomena are generally evasive. If the *Super illius specula* compared them to heretical actions, it must nevertheless be underscored that no references to the accusation of heresy emerge from Benedict XII's correspondence. Fournier himself, taking part in John XII's talks on magic, had recognized the heretical nature of these offenses and advocated the most severe repression of them.[76] Once he became pope, however, he preferred to renounce a direct assimilation of magical practices to heresy.

71 *Communes*, 284–5, nos. 8155–6.

72 *Bullaire*, 257–8, no. 171.

73 Ibid.

74 Mollat-Vidal, 189–90, no. 757.

75 *Bullaire*, 239–40, no. 161.

76 Boureau, *Le pape et les sorciers*, 120–38.

Nevertheless, his recourse to the same procedures for magical actions as for heretical ones makes it difficult to understand to what extent the distinction between the one and the other possessed a clear conceptual significance or whether it was only terminological. The trial conducted against three witches in the territory of Brissac in the diocese of Maguelonne gives further confirmation of the frequently indefinite nature of these cases, which could fall under the jurisdiction of different tribunals. When the pope intervened for the first time in the matter in 1339, the judges of the secular curia of the castle of Brissac had already investigated the three women, as had the inquisitor of Carcassonne, and they were at odds with one another. Faced with the overlapping and rivalry of the two tribunals, the pope deemed it opportune to take over the inquiries himself. He solicited related documents, removed the inquisitor from office, and ordered the temporary freedom of the accused.[77] The requested papers, however, never reached the Apostolic See. Benedict was convinced that someone had deliberately intercepted his letter. In 1340, Benedict also involved the bishop of Maguelonne, asking him if he had received news of intercepted letters or of falsified documents.[78] Confronted with the disagreement between the secular and the inquisitor court, the bishop became for the pope a new and trustworthier interlocutor at the local level, upon whom he called to mediate between the other centres of power.

Cases of *sortilegia et maleficia*, which were essentially documented in French areas, thus decisively enter Benedict XII's registers. Observing the pope's letters related to magical actions, to women who give themselves to the devil, to individuals who invoke the devil or who transfix wax images in search of enchanted treasures, it is patently clear that the pope tended or desired to pronounce indictments on these matters personally, or even more often through Guillaume Lombard. On the whole, we can confirm a greater tendency on his part toward centralized management of inquiries for cases of magic than for other charges.[79] Whether he preferred to transfer defendants and documents to Avignon or he decided to leave suits to their natural tribunals, Benedict XII's privileged interlocutors were bishops—and if necessary, abbots. He tended to exclude the mendicant inquisition from managing inquiries. On the other hand, the pope hesitated to trace back acts of magic and invocations of demons, in their various manifestations, to heretical phenomena. As we have observed many times, the majority of documented cases reveal the involvement of regular and secular clergy. The pope's decision to take over such suits in his own

77 *Bullaire*, 259–60, no. 172; ibid., 260–1, no. 173.

78 Ibid., 272–3, no. 177.

79 Ibid., nos. 152, 156, 159, 161, 171, 173, 177.

tribunal seems to attest above all a desire to exercise a rigorous monitoring of the ecclesiastical hierarchy, analogous to the one aimed at ensuring fairness in inquisitorial action.[80] It was this attitude that also found expression in the reform of religious orders so dear to Benedict XII. It is not surprising that the pope desired to keep under his watch this collection of practices at the intersection of ritual magic and invocations of the devil that evaded the sacramental organization of Christian ritual and not rarely involved men of the cloth.

80 As Julien Théry has shown, one of the consequences of the institution of the inquisitorial procedure was in fact the multiplication of trials involving members of the clergy. Previously absent from canonical law, the possibility of investigating parish priests, friars, bishops, abbots, superiors of religious orders permitted a capillary control of ecclesiastical personnel. See Julien Théry, "Faide nobiliaire et justice inquisitoire de la papauté à Sienne au temps des Neuf: les récollections d'une enquête de Benoît XII contre l'évêque Donosdeo de' Malavolti (ASV, *Collectoriae* 61a and 404a)," in *Als die Welt in die Akten kam*, (ed.) Susanne Lepsius and Thomas Wetzstein (Frankfurt am Main: Klostermann, 2008), 275–345; Id., "Fama: l'opinion publique comme preuve judiciaire. Aperçu sur la révolution médiévale de l'inquisitoire (XII^{e}–XIV^{e} siècle)" in *La preuve en justice de l'Antiquité à nos jours*, (ed.) Bruno Lemesle (Rennes: Presses Universitaires de Rennes, 2003), 119–47.

CHAPTER 11

Schismatics and Infidels beyond the Frontiers of Latin Christianity

The pope was committed on many fronts to protecting and to fashioning the bounds of orthodoxy. He devised various responses to the paths that led beyond this boundary. As we have seen, heretics and infidels present in the Christian West constituted the inner front of 'perfidy' to be eradicated. The pope additionally prepared diverse strategies with the goal of extending the borders of Roman Christianity as far as possible. It is this underlying objective that drew the Apostolic See and Catholic rulers into a military and diplomatic struggle with variable results against schismatic and infidels throughout the Mediterranean basin and the Near and Far East. Looking beyond the borders of Latin Christianity meant attempting to heal the difficult schism with the Greek Church and examining the orthodoxy of Churches of dubious and wavering obedience to Rome, such as that of Armenia. Above all it meant arranging a war effort and a missionary effort directed at non-Christian populations. While the Saracens ploughed the Mediterranean periodically appealing to various political interlocutors, the Apostolic See sent legates and missionary friars into the vast regions of the Tartar Empire, where they established an ecclesiastical hierarchy and carried preaching of the Christian faith as far as the distant capital of Cathay. As we will see, the strategies that the Apostolic See put into effect varied according to contexts, interlocutors, and allies, alternating diplomatic meetings, theological debates or calls to holy war in the attempt to achieve now the re-joining of schismatics, now the conversion of infidels, and now their violent suppression.[1]

11.1 Border Clashes in the Iberian Peninsula

The Iberian Peninsula had for centuries presented the complicated matter of the proximity of Christians and "Infidels." The boundary line between Christianity and the Muslim world assumed in this region the tangible quality

1 Some of the topics addressed in this chapter are also discussed in Irene Bueno, "Benedict XII and the *Partes Orientis*," in *Pope Benedict XII (1334–1342): The Guardian of Orthodoxy*, (ed.) Irene Bueno (Farnham: Ashgate, forthcoming).

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of a frontier, one that still separated the kingdom of Granada from that of Castile in the fourteenth century. Numerous studies have emphasized the distinctive characteristics of this frontier that was at once political, religious, linguistic, cultural and ecological, and that separated two distinct and antagonistic worlds. Subject to continuous redrawing, it constituted a dynamic and permeable space. Yet, it was also the geographic embodiment of a secular conflict—a hot border that contemporaries perceived as a space of insecurity, violence and instability.[2]

In the early decades of the fourteenth century, the balance of these borders remained essentially unchanged despite the renewed drive for expansion by the Nasirids and the Merinids, and the interest in pursuing a war against Granada demonstrated by the tutor of the king of Castile, Alfonso XI (1312–50), and by the king himself. In a context marked on both fronts by crisis and political instability, attempts at expansion to the north and to the south alternated for many years in Andalusia without engendering radical territorial disruptions. Certain of the military support of the Merinids, who had taken power in Morocco in 1275, the king of Granada launched into repeated incursions that would allow them to reconquer Gibraltar and a part of Andalusia in the years 1327–33. If the capture of important strongholds along the Sevillian border seemed to herald an advance of the Muslims, the conflict nevertheless remained contained. Muhammad IV of Granada (1325–33) did not succeed in obtaining the intervention of the sovereign of Fez Abu al-Hasan (1331–48). As for Alfonso XI, he failed to set in motion the great crusade that should have led to the capture of Almeria. This was the project defined in the treatise of Agreda-Tarazona, an agreement with the king of Aragon, Alfonso IV, in 1328, on the basis of which joint sea and land forces would have re-conquered the extreme south of the peninsula, thanks also to the support offered by Jaume II of Majorca. The project was not realized. The possibility of a holy war of Christian princes against Granada faded into nothing as Muslim expansion came to a standstill.[3]

2 *Identidad y representación de la frontera en la España medieval* (*siglos XI–XIV*), (ed.) Pascal Buresi, Carlos de Ayala Martínez, and Philippe Josserand (Madrid: Casa de Velásquez, 2001); Manuel González Jiménez, "Frontier and Settlement in the Kingdom of Castile (1085–1350)," in *Medieval Frontier Societies*, (ed.) Robert Bartlett and Angus Mackay (Oxford: Clarendon Press, 1989), 49–76; Angus Mackay, "Religion, Culture, and Ideology on the Late Medieval Castilian-Granadan Frontier," in ibid., 217–44; Robert I. Burns, "The Significance of the Frontier in the Middle Ages," in ibid., 307–30; Pierre Toubert, "Frontière et frontières: un objet historique," in *Frontière et peuplement dans le monde méditerranéen au Moyen Âge*, (ed.) Jean-Michel Poisson (Rome and Madrid: École française de Rome-Casa de Velasquez, 1992), 9–17.

3 Joseph F. O'Callaghan, *The Gibraltar Crusade: Castile and the Battle for the Straits* (Philadelphia: University of Pennsylvania Press, 2011), 162–88.

The first years of Benedict XII's pontificate did not see sudden upheavals in the dispute that opposed Christians and Muslims along the Iberian border. The most ambitious military plans failed at the outset. A series of clashes of more limited reach followed one after the other by the initiative of one or the other party, but without substantially altering the status quo. The momentous defeat of the Merinid-Nasirid alliance in October of 1340 at Rio Salado that brought an end to Maghrebi ambitions in the Iberian Peninsula was indeed an unexpected consequence.[4]

The months preceding the battle saw a growing military mobilization on both sides. In the spring of 1340, the Castilian-Aragonese forces were harshly defeated at Gibraltar, while enemy forces began to besiege the city of Tarifa. Having received news of the defeat, Benedict XII sent Alfonso of Castile a consolatory letter. In it, he sympathized in a fatherly way with the loss Alfonso sustained, but he simultaneously urged the king to turn to God and to maintain the magnanimity and inner strength befitting a sovereign in good luck as in bad. The pope associated the battles engaging the Castilian forces against the infidel in an abstract way with the inner battle that Alfonso would have conducted within his own conscience to extirpate sin. Once Alfonso had acquired inner peace, he would have been able to resume the military confrontations with greater determination. The pope explains the reference clearly in his letter. An adulterous relationship was at hand and it must have weighed heavily on the conscience of the sovereign, who was doubly defeated: by the maritime clashes with the Saracens, and in the arena of his own heart.[5]

This topic surfaces many times in the letters the pope sent to the king of Castile beginning in 1337, attempting to check a situation of political and moral crisis that seemed to increase the success of Muslim expansion. It was indeed publicly known that the king of Castile had disavowed his wife Maria, daughter of the king of Portugal, after having entered into a lasting affair with Eleanor de Guzmán. The pope was resolute in his condemnation of Alfonso's incontinence and enjoined him on many occasions to break off the relationship. He indeed accused the Catholic ruler of having violated the sacrament of matrimony by making reason succumb to sensual pleasure and by tarnishing the reputation tied to his name. The implications of this betrayal for the life of the kingdom, beginning with the possibility that the union between Alfonso and Eleanor might produce illegitimate children (as it indeed did), were not

4 Rogelio Pérez Bustamante, "Benedicto XII y la cruzada del Salado," in *Homenaje a Fray Justo Pérez de Urbel*, 2 vols. (Silos: Abadía de Silos, 1976–77), 1: 177–203; O'Callaghan, *The Gibraltar Crusade*, 174–88.

5 Mollat-Vidal, 60–1, no. 2803 (see the List of Abbreviations).

lost on Benedict XII. In addition to having negative consequences for internal politics, the adulterous relationship harmed the Castilian crown on the international scene, to the detriment of the expansion of Catholic faith. In the first place, the pope observed, infidels located beyond the southern border of the kingdom would have identified in the scandal grounds for deriding and denigrating Christian law, which was ignored by the king himself with his violation of the bond of matrimony.[6] Moreover, in disavowing his wife, the ruler effectively opened a conflict with his father-in-law, the king of Portugal, thus failing in the greatest duties of a Christian prince: to constitute an exemplary model for his subjects, to spread the faith, and to promote peace with other rulers. To Benedict XII, it was obvious that political instability tied to the dispute between Castile and Portugal would have significantly favoured the kingdom of Granada, placing border balances in grave danger of disruption. So as to contain the risk of renewed Muslim expansion, the pontiff thus intended to mediate between the two kingdoms. They opposed each other in a veritable conflict between 1336 and 1339. The pope repeatedly urged them to reconcile and sent a cardinal to both courts to negotiate peace.[7]

Suspicions of connivance between Christians and Muslims further aggravated the situation, and did not fail to implicate these same Iberian rulers. A few years prior, the king of Aragon, Peter IV the Ceremonious, was accused of such suspicions. As it emerges from a document drafted in 1337, the pope came to learn that the king engaged in overly amicable relations with infidels. Benedict XII harshly disapproved of this behaviour in a long letter in which he invited the sovereign to imitate the laudable example of his ancestors: true Catholic princes who did not hesitate to take up arms in defense of the Christian faith. Contrary to his forefathers, Peter had demonstrated interest and openness towards Islam. He had held public and private meetings with Muslim youths, whom he received at his table, and even in his residences, where he engaged in friendly conversations with them and was not ashamed of donning their garments. The pope's condemnation of these "childish frivolities" afforded him the opportunity to delineate the characteristics and the behaviour that ought to distinguish the true Christian prince: humble and devote, God-fearing and diligent in attending religious services—an example for all of his subjects to follow.[8]

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6 Ibid., 537–9, no. 1846.

7 Ibid., 472, no. 1621; ibid., 726–7, no. 2469.

8 Ibid., 365–7, no. 1271; Georges Daumet, "Une semonce du pape Benoît à Pierre IV d'Aragon, pour ses relations fréquentes et intimes avec les musulmans," *Bulletin hispanique* 7 (1905): 305–7.

The king of Castile was himself the victim of such suspicions of connivance with Muslims, and the king of Aragon potentially paid for it. Although the pope was not personally informed, nor did he seem to believe such news, in his correspondence with the king of Castile in 1338 there emerges an allusion to certain insinuations according to which the recently established truce between Granadans and Castilians had the secret goal of creating a military alliance between the two adjacent dominions aimed at invading the kingdom of Aragon.[9] The atmosphere of mistrust and suspicion permeated a semi-permanent war that opened the way to a distortion of roles and identities, to sudden changes of alliance, and to the falsification of information. In this context, there was no lack of individuals seeking to turn the conflict to their advantage by resorting to such activities as the forgery of documents from the Apostolic Chamber. In 1340, for example, the pope came to learn of the falsification of bulls that granted indulgence to Christians made prisoners in Granada.[10]

It is certain that political instability and the mounting military pressure exerted along the borders of Iberian kingdoms stimulated the development of an atmosphere of suspicion. To this one may then add the consequence of the help that "false Christians" like the Genoese lent to Muslims when good opportunities for gain came into view. The fluctuating role of the Genoese in the war between Christians and Muslims in the western Mediterranean surfaces in letters issued by Benedict XII's Chancery. In 1337 news reached the pope that the Genoese had violated trade restrictions with Muslims, for which they obtained absolution by the bishop on payment.[11] In October of 1339, Benedict would have to call for the intervention of the king of Sicily to break up the anti-Castilian connivance of Ligurians in the area of Ventimiglia.[12] It seems that the Ligurians also played a decisive role in the military conquest of 1340. The day after the defeat, the pope harshly reprimanded Simon Boccanegra and the Comune of Genoa for having contributed to the victory of their adversaries in Hispanic seas.[13]

On the contrary, the support of Genoese ships would play a decisive role in the outcomes of the battle that in October 1340 led to the defeat of the Moroccan and Granadan forces. The seizing of Tarifa and the victory of Rio Salado, which were jointly obtained by Castilian and Portuguese forces, were decisive events that would push the Merinids to desist in their goals

9 Mollat-Vidal, 556–7, no. 1923.

10 Daumet, 480–1, no. 770.

11 Mollat-Vidal, 601–2, no. 2036.

12 Daumet, 401–2, no. 656.

13 Mollat-Vidal, 58–9, no. 2801.

of expansion in the Iberian Peninsula. These events show how the crusade plan, which could not be realized in the eastern Mediterranean, had a greater probability of success, rather, in the Iberian world. Upon the request of the king of Castile, on 7 March 1340 Benedict XII indeed proclaimed a crusade in Castile, Leon, Aragon, Navarre and Majorca, guaranteeing the third (*tertia*) and the tenth (*decima*) for three years.[14] Benedict XII enthusiastically hailed the "glorious victory" of the Iberian crusaders, expressing to Alfonso XI his immense joy for the defeat of the infidels sustained by the "perfidious king of Morocco," who had sent knights and soldiers from the other side of the strait. Rather than dwell on praising the military undertaking, the pope stressed the topics that had inspired his Iberian politics in preceding years: the will of God as the ultimate responsibility for every victory or defeat, the need for peace among Christian rulers, and the duty of excellent moral conduct.[15] He would repeat the same model the following year when he received in Avignon the envoys of the kings of Castile and Portugal, who handed him the standards of the vanquished enemy.[16]

Following this pitched victory at the end of Benedict's XII's pontificate, the border tensions in the Iberian peninsula met with circumstances favourable to Christians. The favour of the Genoese and the reconciliation between the sovereigns of Castile and Portugal, which was signed in Seville on 10 July 1340, certainly contributed to this situation. The pope did not forget to remind the two rulers that, besides and beyond these earthly factors, the ultimate reason for their victories and defeats resided in divine will. Benedict repeated this message again in 1341 following a new military victory by Castilian forces obtained with the capture of the city of Alcala de Abencaide (today Alcalà la Real) and the stronghold of Lucovin, two nearly unconquerable places situated along the border of Jaen and Cordoba.[17]

While papal correspondence of the years 1338–40 linked the fortunes of men to a transcendent will, it reflected in all instances a careful consideration of the political, strategic, and diplomatic factors that governed balances of power in the Iberian world. Nor could the frontier separating Christians and Muslims in the peninsula be reduced to the border separating the kingdom of Granada from the kingdom of Castile, for other boundaries, which were also far from impermeable, repeated in urban areas the ambiguous dialectics

14 Communes, 2: 306, no. 8355; Pérez Bustamante, "Benedicto XII y la cruzada," 1: 196–203; O'Callaghan, *The Gibraltar Crusade*, 174–88.

15 Mollat-Vidal, 118–20, nos. 2976–7.

16 Ibid., 158–9, nos. 3078 and 3083.

17 Ibid., 194, no. 3200.

between groups hovering between conflict and coexistence. In January 1340, Benedict XII wrote to the king of Aragon, to nobles and to lords of the kingdom, and to the archbishops of Tarragona and Saragossa, expressing a strong concern about certain information that had been reaching the Apostolic See with increasing frequency. As the pope knew well, very many Jews and Muslims lived in the cities and strongholds of the kingdom of Aragon. He had learned, however, that their condition had recently changed. While in the past infidels lived and conducted their affairs separately from Christians in closed and separate spaces reserved for them, this separation had decreased in recent times. Instead of being confined in these *juderías* and *morerías*, Jews and Muslims were now mixing with the faithful, sharing their homes with them, cooking bread in the same ovens as them, visiting the same baths as them, and engaging with them in dangerous conversations, uttering "many obscene and horrible abominations." In addition to contact with Christians, the pope disapproved of their irreverent attitude toward the Christian religion and papal decretals. He drew on customary stereotypes about the infidel. By his account, Jews and Muslims mocked the host and Catholic sacraments, and they constructed synagogues and mosques in which they cursed the name of Christ and publicly pronounced the name of Muhammad. The Muslims, Benedict added, thus contravened the twenty-fifth decree of the Council of Vienne, which prohibited the call to prayer of the Muezzins.[18] The pope's appeal to Aragonese lay and ecclesiastical authorities was therefore aimed at re-establishing the former separation of spaces reserved for the faithful and for infidels, and to impose harsh punishment on those who in whatever manner crossed these civic borders or violated conciliar decretals.[19]

The pope thus revived in urban spaces the principle of separation that had long inspired relations between Islam and the Christian world along the Iberian border. Aimed at checking all dangerous mingling between the faithful and the infidel, this plan rested on the application of conciliar decretals on division and on the practice of holy war as basic grounds for organizing reactions to Saracens in the Christian West. According to the papal plan, the double mission guided by Catholic sovereigns responsible for the defense and expansion of the faith should be aimed at re-establishing rigid and insuperable borderlines between Christian and non-Christian spaces. The account described in Benedict's letters, however, is much more complicated. The rivalry among Christian princes systematically degraded the anti-Islamic coalition

18 *Conciliorum Oecumenicorum Decreta*, (ed.) Giuseppe Alberigo *et alii* (Bologna: EDB, 1973), 380.

19 Mollat-Vidal, 1–4, nos. 2640–3; Mollat-Vidal, 4–6, nos. 2671–2.

for which he had hoped. Trade requirements simultaneously multiplied the instances of cross-exchange between the faithful and infidels and the crossing of borders that were anything but impermeable. The familiarity between faithful and infidel arose yet again within courts and in the daily frequenting of public urban spaces.

11.2 The Schism of the East and the Crusade against the Turks

A dogmatic-liturgical division, by then centuries-old, separated the Church of the East from that of the West. It extended the diplomatic and doctrinal horizons within which the Apostolic See, committed to the struggle against heretics and infidels, also aimed at reunification of schismatics. Though religious unity between the Roman Church and the Greek Church was sought after on several occasions during the course of the thirteenth century, it still represented a difficult matter to resolve in Benedict XII's time.

The Second Council of Lyon was frustrated shortly after 1274 by the anti-unionist choice of Emperor Andronikos II (1282–1328), and this led to a deepening of the political and religious rift between Eastern and Western Christianity. Following the substantial failure of this council, the path towards union was resumed, but with uncertainty and difficulty. After having recanted his father's profession of Catholic faith, thus further thwarting the council's results, Andronikos II, conscious of the need to close the distance separating the Greek Church from the Latin one, re-initiated diplomatic contacts with Catholic authorities.[20] The marriage of his son to a Catholic, Catherine of Valois, constituted the basis for negotiations begun in 1324 and for renewal of discussions regarding union at the Avignonese curia and the French court. Aware that his own conversion and unreserved acceptance of Roman faith constituted the indispensable condition for reconciling the two churches, in the final years of his reign the emperor let a certain openness to this possibility be revealed. His abdication in 1328 due to the victory of factions that his nephew Andronikos III directed against him did not interrupt the plans

20 On relations between the Latin Church and the Greek Church after the Second Council of Lyon, see Joseph Gill, *Byzantium and the Papacy, 1198–1400* (New Brunswick, NJ: Rutgers University Press, 1979), 161–243; Joan Mervyn Hussey, *The Orthodox Church in the Byzantine Empire* (Oxford: Clarendon, 1986), 220–60; Henry Chadwick, *East and West. The Making of a Rift in the Church* (Oxford: Oxford University Press, 2003), 250–73; Marcel Viller, "La question de l'union des Églises entre Grecs et Latins depuis le concile de Lyon jusqu'à celui de Florence (1274–1438)," *Revue d'histoire ecclésiastique* 18 (1922): 20–60.

of those in favour of union, which would be carried forward during the latter's reign (1328–41). Andronikos III's marriage to Anne of Savoy also seemed to favour the unionist course of action, and the pope hoped that this union might play an active role in the conversion of the Byzantine emperor.[21]

In 1329 the pasha Umur took control of Smyrna, renewing with vigour the threat of Turkish incursions in the Aegean coasts, and levying substantial annual taxes. Interweaving of the union matter and the organization of an anti-Turkish crusade became even more urgent at this time. The final years of John XXII's pontificate saw the creation of an anti-Turkish league by Venice and Byzantium (1332). In 1333 the king of France, Philip VI of Valois, took the crusader's vow. He was ready to leave for a holy war that was also meant to involve the Christian princes of Naples, England and Sicily, but that was never realized.[22] When Benedict XII was elected to the papal throne, organizing a crusade must have still appeared to members of the Sacred College as one of the foremost matters to broach. The new pope's choices, however, must have quickly disappointed the expectations of those who advocated for a holy war. Although Benedict had initially taken up the crusade plan of his predecessor, these plans would soon be decisively reversed. On 13 March 1336, the pope released the king of France from the vow that saw him ready to leave within months, inviting him to postpone the crusade until there existed a climate of greater harmony among European states. The rupture of the Holy See with Louis the Bavarian and the continuous tensions that opposed England to Scotland, and even more so to France (deflagrating shortly thereafter in the Hundred Years War) rendered it indeed preferable to postpone the overseas mission.[23]

The temporary renunciation of a military engagement in the eastern Mediterranean must have disappointed in the first instance Andronikos II

21 Hussey, *The Orthodox Church*, 256.

22 On crusade plans in the first half of the fourteenth century, see Kenneth Setton, *The Papacy and the Levant (1204–1571)*, 3 vols (Philadelphia, American Philosophical Society, 1976), 1: 177–94; Norman Housley, *The Avignon Papacy and the Crusades, 1305–1378* (Oxford: Clarendon Press, 1986), 9–49; Id., *The Later Crusades from Lyons to Alcazar, 1274–1580* (Oxford: Oxford University Press, 1992), 25–39, 53–65; Christopher J. Tyerman, "New Wine in Old Skins? The Crusade and the Eastern Mediterranean in the Later Middle Ages," in *Byzantines, Latins and Turks in the Eastern Mediterranean World after 1150*, (ed.) Catherine Holmes and Jonathan Harris (Oxford: Oxford University Press, 2012), 265–89.

23 Mollat-Vidal, 199, no. 786; Setton, *The Papacy and the Levant*, 179; Elizabeth Zachariadou, "Holy War in the Aegean during the Fourteenth Century," in *Latins and Greeks in the Eastern Mediterranean after 1204*, (ed.) Benjamin Arbel, Bernard Hamilton and David Jacoby (London: Frank Cass, 1989), 212–25.

who, beset by the expansion of the Turkish emirates, hoped to obtain from the pope a guarantee of support from western armies. To this end, he invited the ambassador Stefano Dandolo to Avignon, but a sizeable discrepancy in intentions continued to divide the throne of Constantinople from the Holy See. Where the emperor encouraged military intervention as an anti-Turkish operation, the pope saw in these diplomatic exchanges above all a means of healing the schism with the Eastern Church within obedience to Rome. For these reasons, the failure of the crusade plan did not dissuade Benedict from conducting important diplomatic initiatives with Byzantium.

Papal accounts give evidence on the one hand of rare initiatives aimed at defending the prerogatives of the Roman Church, especially in the area of mixed rites. In 1335, the pope appealed, for example, to the doge and to the Comune of Venice, deploring the fact that a schismatic sent by the patriarch of Constantinople unduly claimed the title of bishop of Crete. Although the island was under Venetian rule and many Catholics inhabited the island, the bishop was performing new ordinations according to the Greek rite, celebrating matrimony without respecting the proper levels of kinship, and attempting to lead Latins into error. The coexistence of Christians of Latin and of Greek rite on the island of Crete was made easier by a complementary distribution in the territory, with the former being located above all in the city, and the latter having settled to a greater extend in the country. By virtue of Venetian rule, however, the pope believed that the island was officially subject to the authority of the Catholic bishop of Candia. He thus urged Venetians to re-establish the legitimacy of the Latin rite and to have the bishop usurper captured or driven off the island.[24]

On the other hand, the pope was willing—and we will see on which terms—to carry on meetings and talks aimed at achieving union. He thus welcomed as positive the plan presented by the nuncio of Venice to gather together in Naples a summit of Byzantine ambassadors and papal legates in the context of which the terms of the agreement would be defined. Writing to the emperor in 1337, Benedict professed to be enthusiastic about the salutary unionist resolution that had inspired the plan for the meeting in Naples. He nevertheless underscored what the terms of the dialogue would be: the emperor and his delegates should be willing to recognize their own errors and to recant them. In other words, the pontiff reasserted that the Latin Church was the repository of truth and that any divergence with respect to the Eastern Church was ascribable to an error of the Greeks. The term "reunion" (*reunio*) like that of "reconciliation" (*reconciliatio*) thus unambiguously signified the reconciliation

24 Mollat-Vidal, 104, no. 453.

of one Church, the schismatic one, to the Church of Rome.[25] Similar letters were sent to Count Aimone of Savoy and to King Robert of Sicily, who were drawn into the negotiation of union by kinship with the wife of the emperor and by the choice of Naples as a location, respectively. The pope did not hide from the two Catholic lords that he would have preferred to sign the treatise at the Apostolic See rather than elsewhere. The agreement itself would have been put into effect "in a better, faster, more useful and firm way."[26] The diplomatic network constructed around the prospective reconciliation between East and West also immediately involved Anne of Savoy, the wife of Andronikos III. Having learned from Dandolo that the Greeks unanimously desired reconciliation with the Roman Church, the pope indeed recommended to the empress from a Catholic family that she advocate for the unionist cause with her husband, reminding her that it was written: "The infidel husband will be saved by the faithful wife" (1 Cor 7:14).[27]

Negotiations continued in 1339 on the occasion of a second diplomatic meeting between Benedict XII and Stefano Dandolo, who was accompanied this time by the Calabrese monk Barlaam. A theologian close to the imperial court and well known in intellectual circles in the Byzantine capital for his culture and his knowledge of Latin, he was already involved in the negotiations for the union of the two Churches at the time of John XXII. In 1333 he had met the pope's two legates in Byzantium, where he skilfully defended Greek doctrine and revealed himself to be simultaneously open to unionist points of view.[28] The primary goal of the diplomatic mission of 1339 was different though. For Andronikos III, urging Benedict XII and western rulers to organize a crusade against the Turks was most important. After having met Robert of Anjou in Naples and Philip VI in Paris, the eastern delegation went to Avignon, where Barlaam demonstrated his refined eloquence and resolutely explained

25 Tăutu, 28–9, no. 15. See Gill, *Byzantium and the Papacy*, 234–5.

26 Tăutu, 29 no. 15.

27 Ibid., 30–1, no. 15a.

28 Martin Jugie, "Barlaam de Seminara," *DHGE* 6: 817–34; Id., "Barlaam est-il né catholique?" *Echos d'Orient* 39 (1940–42): 100–25; Gill, *Byzantium and the Papacy*, 196–9; John Meyendorff, "Un mauvais théologien de l'unité eu XIV^{e} siècle: Barlaam le calabrais," in *1054–1954. L'Église et les Églises. Neuf siècles de douloureuse séparation entre l'Orient et l'Occident* (Chevetogne: Éditions de Chevetogne, 1954–55), 2: 47–64; Katherine Walsh, *A Fourteenth-Century Scholar and Primate: Richard Fitzralph in Oxford, Avignon and Armagh* (Oxford: Clarendon Press, 1981), 152–8; *Barlaam calabro. L'uomo, l'opera, il pensiero*, (ed.) Antonis Fyrigos (Rome: Gangemi, 2001).

the Greek point of view to the pope and to the College of Cardinals.[29] For his part, Benedict listened attentively to the words of Andronikos' legates, even though they lacked imperial charge. He professed to be aware of the risk that the results of the meeting might be frustrated by the return of the envoys to the East, just as had happened the day after the Council of Lyon, but he received them in audience all the same and hoped that the dialogue might bear fruit. As Barlaam explained to him, the emperor Andronikos organized the mission secretly, since he could not make it known to the people that he desired union without the pope having first sent military assistance.[30]

The meeting effectively concluded in a negotiation in which both parties tried to shift the needle of the dial now toward union, and now toward the crusade. The interweaving of these two matters was extremely clear in the both the legates' statement and the pontiff's response. Barlaam explained to the pope that union between the two Churches could be achieved in two ways: violently (*violenter*) or voluntarily (*voluntarie*). Voluntary union, which was certainly preferable, could in turn conclude in an agreement among learned men (*sapientes*) or in persuasion of the people, and in his opinion both conditions were necessary for a lasting unitary solution. If it was easier to achieve the former because Latin and Greek learned men both sought the truth, it was by contrast difficult to prevent the people from being convinced by mistaken factions.[31] For the Calabrese monk, the only possible means of persuading "both the people and learned men" ("et plebem et sapientes") was a general council promoted by the pope and aimed at bringing the centuries-old controversy to an end through peaceful and sincere dialogue.[32] Barlaam emphasized that the Council of Lyon did not have these characteristics, for neither delegates of the four eastern patriarchs nor those of the people participated in the council. Only the emperor's envoys did, and they were driven to seek union by appealing to force and not to will.[33]

The monk concluded his account by describing with precision the link connecting the re-unification of the Church to the crusade. He intended to obtain

29 Tăutu, 85–97, no. 43. The pope would subsequently inform the king of France and of Naples of the meeting with the two ambassadors: Ibid., 80–4, no. 42; ibid., 84, no. 42. He additionally commends Barlaam to Robert of Anjou: Daumet, 383, no. 633.

30 Tăutu, 90, no. 43.

31 "Et vos et illi quaeretis, ut vincat veritas. Ergo, quoniam et ambo desideratis veritatem, credendum est, quia et cito ipsam invenietis et cito concordabimini," ibid., 87, no. 43.

32 "Iste, sanctissime pater, solus modus est, sicut videtur michi, per quem unio Ecclesie fieri potest," ibid., 88, no. 43.

33 Ibid., 88.

from the king of France the military assistance necessary to recover from Turkish rule four cities that had previously belonged to Byzantium—an operation that required the prior consent of the pope. Before Benedict XII and the Sacred College, Barlaam therefore stressed that dispatching military reinforcements would render the Greeks favourable to union. He observed that men are naturally inclined to submit to their benefactors, but that the emperor would not be able to commit to a council without first resolving the problem of the war against the Turks. His position clearly diverged from that of the pope for whom the desired reconciliation of the Greek Church was an irremissible precondition for a crusade against the Turks. Benedict XII was indeed convinced that if the Greeks were to have consolidated their temporal power prior to union thanks to the support of the Holy See and to Catholic sovereigns, they would certainly have turned their back on their protectors rather than return to Roman obedience.[34]

The Calabrese monk next insisted on the fact that the Turks represented a shared enemy, for they were antagonists of the Cross more so than of Byzantium, and they subjugated other peoples in addition to the Greeks, such as the Armenians. Even from a purely military point of view it would be more expedient for the Latins to fight with the aid of the Greek army, which was used to the way in which Turks fought in war. Apart from the problem of union, it would additionally benefit crusader troops to fight against infidels alone rather than against Greeks and infidels together. Barlaam did not hesitate to add an observation that made clear the severity characterizing relations between Latins and Greeks. It was not so much dogmatic differences that separated their hearts, but rather the hatred Greeks harboured toward the Latins, who had been tyrannizing them daily for a long time: "Without first neutralizing this hatred, no one will explain your union to the Greeks." Given these conditions, he directed three supplications to the pope. Barlaam implored him to authorize the king of France to send military aid to the east, to grant plenary indulgence to those who died fighting the Turks, and to free the Greeks whom the Latins had sold as slaves. Having done that, Benedict could send his doctors to Byzantium to educate the easterners enough to render even union possible without recourse to the council. By privileging the urgent need of military aid before the solution to divisions between Western and Eastern Christianity, Barlaam seemed to suggest that, once they had obtained the participation of crusaders, the Greeks would naturally accept the union established by the Latins (*vestra unio*).[35]

34 Ibid., 89.

35 Ibid., 89–91.

Barlaam's account nevertheless met with opposition from Benedict XII and from the Sacred College. After careful reflection, the pope firmly rejected the idea of a general council, observing that the councils of Ephesus, Toledo and Lyon had already defined the matter of the *Filioque*. This rendered a reconciliation of compromise entirely unacceptable, for in acceding to it, the pontiff would have agreed to allow error to live next to truth. Rather than a new general council, the pope outlined the possibility of Greeks appointing in council learned men to send to the West, where they would meet theologian delegates of the Apostolic See. Rather than in debates and consultations, the meeting should resolve in the education of the former by the latter, so as to expel error from their hearts and to instil in its place the "light of Catholic truth."[36]

In the face of Benedict's clear rejection of his every request, Barlaam replied by again supporting the possibility of discussing certain matters further in a future council. He reckoned that a new examination conducted in council would also be desirable for the Latins, who could convince the Greeks of their position, thus permitting the truth to come even more clearly to light, as had happened in many councils in which orthodox fathers engaged in deliberations with heretics to help them understand the truth. Denying this kind of confrontation, the Latins instead drew upon themselves mistrust and fear, failing to understand that a general council would have exalted the greatness of the Church.[37]

Having dwelled at length on the urgent need for a crusade, the monk overlooked the dogmatic aspect undergirding the matter of union. Renouncing the idea of broaching a discussion of doctrine with the pope, Barlaam limited himself to suggesting some methods aimed at resolving the schism, thus diplomatically showing himself willing to humbly embrace the Christian faith. In his opinion, the path to union could not but pass through the organization of a new general council, truly inspired to confront and examine doctrine. For Barlaam, the only alternative consisted in the possibility that two different visions could coexist under the authority of a sole pastor. As it has already emerged, however, Benedict resolutely opposed the one and the other paths indicated by the Calabrese monk.[38]

For Barlaam there remained no other option but to declare himself willing to undertake the realization of the pope's proposal—the dispatching of delegations appointed by the emperor and the patriarchs to the West. Yet, he had clearly indicated that this plan was impossible. Indeed, Andronikos III did

36 Ibid., 92–3.

37 Ibid., 93–4.

38 Ibid., 94–5.

not dare reveal his unionist leanings for fear of the reaction of the people and of a part of the aristocracy. Moreover, the Church of Constantinople would not have sent legates without the permission of the other eastern patriarchs, and because of the current wars, they would not be able to get together.[39] At the beginning of September, Barlaam and Dandolo therefore withdrew to the East, conscious of the complete failure of their mission. The Apostolic See denied all military aid against the Turks and the matter of union remained largely unchanged. On this level, Benedict embraced a position of clear intransigence, rejecting any openness to doctrinal confrontation. All unionist points of view thus led back to the unconditional acceptance by the Easterners of the dogmatic and ecclesiological structure of the Latin Church, nor was the latter a commodity to be negotiated in exchange for prospective military aid. In their evaluation, the pope and the Sacred College certainly did not disregard political-military factors. Despite the fact that infidels seriously threatened the coasts of the eastern Mediterranean, jeopardizing the boundaries of Byzantine Christianity, they preferred to deny the crusade, believing that a political strengthening of the Empire would have undermined the unionist cause. Playing on the very precariousness of Byzantium's borders in the face of the Turkish threat, the pope hoped to elicit reconciliation, understood as unconditional submission to the Roman Church.

The paths of Barlaam and of Benedict XII would cross again in a radically different context. On the death of Andronikos III, Barlaam's position in the East had become very complicated because of the tenacious opposition the monk set into motion against the Hesychast movement and against the monk Palamas, in particular. In July 1341, Barlaam thus returned to Calabria, only to then move to Naples under the protection of Robert of Anjou. He finally returned to Avignon in the spring of 1342, where he taught Greek to his friend Petrarch. Benedict would pass away in Avignon shortly thereafter. The Calabrese monk, who had spent many long years between Thessaloniki and Constantinople taking part in the most heated theological disputes of Eastern Christianity and carrying the unionist cause forward to the pope himself, finally professed Catholic faith. In October 1342, he was appointed to the rank of bishop. A few years later, in 1346, he was again sent to the court in Constantinople. This time he went as papal legate to open a diplomatic talk on the occasion of an umpteenth civil war that also collided with the topic of union. The victory of the Hesychasts, who were strongly opposed to the

39 Ibid., 96.

unionist cause, brought about the renewed failure of Barlaam's diplomatic mission; he returned to Avignon without any solutions.[40]

Barlaam's theological writings illustrate the singular path of the Calabrese monk who crossed the boundaries of Eastern and Western Christianity in two directions in the vain attempt to heal the schism. He was the author of twenty-one tracts against the Latins, eighteen of which concerned the *Filioque*, and three, the primacy of the pope. The position that comes to light from these writings is perfectly coherent with that of the Greeks. He affirms the procession of the Holy Spirit from the Father alone and makes a distinction between "honourary primacy" (*primatus honoris*) and "jurisdictional primacy" (*primatus jurisdictionis*) of the bishop of Rome. After his conversion to Catholicism, Barlaam composed new writings aimed at defending the doctrines he had previously attacked. The monk's reversal of position regarding the procession of the Holy Spirit and the primacy of the Roman pontiff was illustrated in two letters—*Ad amicos suos in Graecia constitutos*—that were strongly apologetic toward Roman doctrine, and in three other tracts that extensively addressed the doctrine of the *Filioque*, defining those who did not submit to the Roman Church as schismatics and as heretics.[41] None of these themes were discussed in the diplomatic meetings between Barlaam and Benedict XII. Ironically, the monk's life path concluded exactly as the pope would have wished. The monk's personal hesitation between defense of the Greek Church and Latin obedience fits perfectly in the context of the relations between the two Churches in the first half of the fourteenth century. Against the background of a mounting Turkish threat, the push for union became heavily loaded with politico-military meaning and indissolubly entwined with the crusade debate. Byzantine emperors and their legations were forced to look ever more to the West to save the lands they ruled. Yet, they opposed an understanding of union as unconditional adherence to the Catholic Church. The diplomatic legations sent to Avignon did not succeed in identifying possibilities for mediation, neither on purely doctrinal grounds, nor on politico-military ones. If the Latins were willing to grant military aid following union, the Greeks reversed the terms of

40 Jugie, "Barlaam de Seminara," 827–9; Aristides Papadakis, *The Christian East and the Rise of the Papacy. The Church 1071–1453 AD* (Crestwood: St. Vladimir's Seminary Press, 1994), 275–319; Gill, *Byzantium and the Papacy*, 200–1.

41 Barlaam of Seminara, *Opere contro i Latini*, (ed.) Antonis Fyrigos, 2 vols. (Vatican City: Biblioteca Apostolica Vaticana, 1998); Tia Kolbaba, "Barlaam the Calabrian: Three Treatises on Papal Primacy," *Revue des études byzantines* 53 (1995): 41–115; see Jugie, "Barlaam de Seminara," 828–9; Fyrigos, "Considerazioni sulle Opere contro i Latini di Barlaam Calabro," in *Barlaam Calabro*, (ed.) Fyrigos, 119–40.

negotiation. Nor was it possible to find agreement regarding the conditions of union, since the Greeks refused the positions of the Second Council of Lyon just as the pope rejected the re-opening of debates in a new general council.[42] In the impossible search for a compromise, the only solution the Apostolic See proposed to the Greeks was that of opting for Catholic obedience. In that context, Barlaam's personal conversion emerged as the only possible means of drawing nearer to the Roman Church.

11.3 The Errors of the Armenians

While the boundaries of the Eastern Empire were always perilously threatened by the by Turkish expansionism, the armed support of the West appeared as an irremissible condition for the survival of Christian territories overseas. As we have demonstrated, the state of emergency created by the continual attacks along the coasts of the empire placed the matter of military support at the centre of negotiations for the union of the Latin and Greek Churches. The pope did not intend to prioritize military support for Eastern Christians over union. Taking the results of the Second Council of Lyon for acquired, he rejected every possible re-opening of doctrinal confrontation with the Greeks, limiting the dialogue with them to diplomatic meetings with imperial legates sent to Avignon. This was not, however, the only strategy pursued by the Apostolic See toward Christians overseas. According to the interlocutors he had before him, the pontiff prepared different answers that variously involved the matter of military support and that influenced the quality of encounter itself, which was now strictly diplomatic in nature and now open to true doctrinal examination.

The Cilician Kingdom of Armenia also experienced serious consequences of a mounting military pressure in the fourteenth century. Bordering byzantine territory, it lacked Mongol protection at the time, and constituted an interlocutor of crucial strategic importance for the Apostolic See. Near the Holy Land and the Mongol Il-Khanate, it represented the last formally Catholic outpost in the East and it was completely surrounded by territories subject to schismatics and to infidels.[43] The strategic importance attributed to Lesser Armenia in the area of the Middle East had been growing since the end of the thirteenth cen-

42 Gill, *Byzantium and the Papacy*, 200f.

43 *Histoire du peuple arménien*, (ed.) Gérard Dédéyan (Toulouse: Privat, 2007), 336–48; Claude Mutafian, *Le royaume arménien de Cilicie, XII^e–XIV^e siècle* (Paris: CNRS, 1993), 68–90; Id., *L'Arménie du Levant* (Paris: Les Belles Lettres, 2012), 1: 187–224; Bayarsaikhan Dashdondog, *The Mongols and the Armenians, 1220–1335* (Leiden: Brill, 2011), 193–218.

tury in particular, when, following the fall of Acre, the idea began to take shape in Rome that a small passage (*parvum passagium*) in Cilicia would precede the general passage (*passagium generale*) of crusaders into the Holy Land.[44]

Yet, as happened in Byzantium, the borders of Lesser Armenia were sorely tried by incursions of Seljuqs and Mamluks, while the matter of territorial control was indissolubly tied to that of submission to the Church of Rome. The Armenian Church's obedience to Rome was new and it still seemed like a rather precarious acquisition, for the ties that united the two Churches were indeed quite recent. The union was first sealed in 1198 when the Cilician Kingdom of Armenia was formed. This union was confirmed in 1288 by Hethum II and again in 1307, and in 1316 during the respective councils of Sis and Adana, only to be ruined by the collapse of the kingdom in 1375. The Armenian Church's agreement with the Latin West came about as a result of politico-military requirements, and thus constituted the temporary result of a partial as much as vacillating approach by rulers and by Armenian Catholics to the Latin Church. Though their concurrence centered on the recognition of the pope's primateship and on the attempt to overcome greater elements of discord, it was nevertheless marked by the survival of numerous doctrinal and liturgical particularities. Union consolidated family ties linking Hetumids to western dynasties, but these connections were undesired in many parts of the Armenian world. This union still suffered from strong unpopularity in the fourteenth century, especially in Greater Armenia and in the Armenian communities between the Near East and the Quipčaq.[45] Against this background of disputes and divisions, monks in the region of the Lake of Urmia began an active movement in 1330. Roused by John of Krna and following the work of

44 Sylvia Schein, *Fideles Crucis. The Papacy, the West, and the Recovery of the Holy Land, 1274–1314* (Oxford: Clarendon Press, 1991), 181–218; Antony Leopold, *How to Recover the Holy Land: the Crusade Proposals of the Late Thirteenth and Early Fourteenth Century* (Aldershot: Ashgate, 2000), 129–30.

45 On relations between the pope and the Armenian Church in the thirteenth and fourteenth centuries, see François Tournebize, *Histoire politique et religieuse de l'Arménie* (Paris: Picard, 1900), 235–400; Bernard Hamilton, "The Armenian Church and the Papacy at the Time of the Crusades," *Eastern Churches Review* 10 (1978): 61–88; David Bundy, "The Trajectory of Roman Catholic Influence in Cilician Armenia: An Analysis of the Councils of Sis and Adana," *The Armenian Review* 45.3 (1992): 73–89; Jean Richard, *La papauté et les missions d'Orient au Moyen Âge* (*XIII^e–XV^e siècles*) (Rome: École française de Rome, 1998), 195–226; *Histoire du peuple arménien*, (ed.) Dédéyan, 348–56; Peter Cowe, "The Role of Correspondence in Elucidating the Intensification of Latin-Armenian Ecclesiastical Interchange in the First Quarter of the Fourteenth Century," *Journal of the Society for Armenian Studies* 13 (2003–04): 47–68; Mutafian, *L'Arménie du Levant*, 1: 570–87.

Dominican missionaries long active in their territories, they promoted a thorough unification of the Armenian and Roman Churches. They took on the name of "Unitary Brothers" and became a moving force for a significant process of Latinization based on the promotion of studies and on the translation of Latin theological works into Armenian.[46]

In Cilicia, as in the nearby Byzantine Empire, political weakness and the constant threat along the kingdom's borders visibly entwined with the matter of obedience to the Church of Rome. The union signed at the end of the twelfth century and confirmed at the beginning of the fourteenth, however, profoundly distinguished the kingdom from the empire in its relations with the Apostolic See by granting Cilicia a privileged position that Byzantium could not recognize. To the same request for help, the Apostolic See reacted differently to the kingdom and to the empire. This did not dramatically alter the seriousness of attacks either party experienced, but it did reveal a specific strategy on the part of the Apostolic See of adapting its responses to a given interlocutor based on the latter's position in relation to the Latin Church.

While the Turks were threatening Byzantium and the Armenian-Mongol alliance was weakening, the loss of Latin dominions in Syria left the Armenian kingdom without support against the Mamluks. The Armenian king, Leo V (1320–42), was left with no choice but to turn to the West. His first requests for help from Benedict XII arrived in the spring of 1335, when Grigor Sargis and his interpreter arrived at the curia to report on the pressure they experienced along the kingdom's borders, before next seeking assistance from the kings of France and England.[47] Another legate arrived in Avignon the same year, led by the count of Korykos, Bohemond of Lusignan, who informed the pope of the recent massacres of Christians in the kingdom. The sultan of Egypt's army had entered Cilicia, where it engaged in unrestrained violence and ravaging. According to the nuncio, despite a ceasefire, the Mamluks had oppressed six thousand people, rendering them slaves or putting them to the sword. They spared neither women nor children. The king had succeeded in finding safety in a nearby fortress together with other people. Shortly thereafter he sent his ambassadors to Avignon to inform the pope of what had happened and to recommend backing by Catholic rulers. Benedict XII immediately turned to the king of France, sending him Leo V's messenger and exhorting him to put

46 Tournebize, *Histoire*, 320–7; Marc Antoine van de Oudenrijn, *Linguae haicanae scriptores* (Bern: Franke, 1960); Richard, *La papauté*, 217–25; Mutafian, *L'Arménie du Levant*, 1: 577–80.

47 Daumet, 33–4, no. 55.

right the slaughter of Christians in the East.[48] While Leo V made an appeal to the pope and to the king of France, Benedict XII praised the commitment of the Armenian kingdom against the infidel and repaid their military efforts by guaranteeing them the privilege of a personal confessor and by assuring them of the full remission of sins each time that they took up arms in defense of the faith.[49] The following year the pope also granted the privilege of the remission of sins to Armenian lords for an armed resistance that he described as a "commitment to God and to the Roman Church."[50] At the same time, the pope urged Queen Constance to have faith in God and to trust in the aid that would be granted to the Armenians in due course.[51]

The help promised by the pope would have involved the intervention of western rulers, the making available of economic resources, the provisioning of food, and the mobilization of faithful ready to fight. As we have seen, Benedict had already turned to the king of France, but the need to materially sustain the Armenians drove him to act on many fronts. In April 1336, he turned to the rector of Benevento, informing him of the adversities that had struck the Armenians, who were afflicted by a lack of food as much as by violence. He thus charged him with the task of buying wheat and of sending it to Armenia. This operation was to take place without smuggling and under his supervision.[52] He then granted two nuncios of Leo V safe-conduct to bring the wheat to Armenia with the help of the king of Sicily.[53]

The pope evaluated the disasters that had consumed the Holy Land, where holy sites were razed to the ground and set aflame, and where the faithful were killed or made prisoners. He sought in consequence to increase mobilization. In May 1336, he thus turned to Christians on the islands of Sicily, Cyprus, Rhodes and Euboea and in other eastern Mediterranean lands, explaining to them why an intervention in Cilicia was so urgent. The conquering of the kingdom of Armenia by the sultan of Egypt would have resulted in the irretrievable loss of all possible presence in the Holy Land. Since Cilicia constituted an essential passageway toward Jerusalem, the capture of this land by the infidels would have prevented crusaders from reaching holy sites and rendered it impossible to provide food and recourse to the Armenian fleet. Benedict XII thus sought help for the Armenians by promising the remission of sins to those

48 Daumet, 69–70, no. 109.

49 Tăutu, 7, no. 5.

50 Ibid., 14–6, nos. 9, 9a and 9b.

51 Mollat-Vidal, 212–3, no. 821.

52 Daumet, 101–2, no. 152.

53 Ibid., 117–8, no. 176; ibid., 101, no. 151.

who took up arms against the infidel or who contributed economically to the Armenian cause.[54]

It is difficult to assess the actual extent of this mobilization. It certainly did not suffice to improve the kingdom's situation. Two years later, it was still in the dangerous and oppressive grip of Mamluk forces. A new legation reached Avignon in 1338. It reported to the pope that the Saracens were crossing the borders of the kingdom daily and that they had captured cities and fortresses, taking many prisoners. Hoping to contain the sieges and the destruction, Leo V received the sultan's envoy and solemnly swore on the gospels that he had sent neither letters nor messages to the Apostolic See.[55] The pope then released the king from the oath, which was pronounced not spontaneously but forcibly, that is, he re-established the full lawfulness of diplomatic contacts between the Armenian kingdom and the Apostolic See.[56] At the same time, Benedict sent a series of letters to Armenia expressing the diplomatic and spiritual nearness of the Apostolic See. Unable to solicit more substantial aid, the pope limited himself to providing members of the Armenian aristocracy with spiritual privileges, such as the granting of a personal confessor or exemption from food abstinences during Lent.[57] None of the May 1338 provisions thus constituted a true response to the request for help that the Armenians had expressed many times. Letters sent to the king and queen and to a handful of nobles confirmed the kingdom's subordination to papal authority, but they did not affect the war that had opposed them to the Mamluks for years. Despite a few failed attempts at mobilization by Catholic princes, material support for the war between the faithful and the infidel that unfolded in the immediate vicinity of the Holy Land was reduced to almost nothing. As we have already observed, the Apostolic See was paralyzed by international tensions that disturbed the peace in the West, effectively decreasing all possibility it had of intervening overseas. Benedict XII could not count on the forces of Catholic sovereigns to organize, if not a true crusade, at least an effective armed expedition to the Cilician kingdom. Beyond the initiatives aimed at providing food that we discussed, no other information emerges regarding the concrete mobilization of men and means of support for the Armenians.

It was rather on different grounds, those of doctrinal and disciplinary command, that Benedict XII dealt more substantially with the situation overseas. Where the tensions that ran through Europe were immobilizing the Apostolic

54 Tăutu, 16–8, no. 10.

55 Ibid., 40–1, no. 21.

56 Ibid.

57 Ibid., 41–3, nos. 22 and 23.

See from a political standpoint, the pontiff did not give up closely examining the orthodoxy of the Armenian Church. The documents produced by Benedict's Chancery point the finger at the oscillation of the faithful of Armenian origin between obedience to Rome and religious practices that differ from the Latin form without necessarily renouncing it. This doctrinal and liturgical coexistence was particularly evident where the Unitary Brothers—aiming to standardize the religious practices of the Armenian Church to those of the Latin Church and to oppose the safeguarding of customs that many considered to date back to the early centuries of Christianization—sought to re-establish Latin practices by re-baptizing the laity and by re-ordaining ministers because they believed the Armenian sacraments to be invalid.

Doubts and uncertainties regarding the legitimacy of the sacraments received in the Armenian context also emerged in documents regarding the Italian peninsula. From a letter sent to the archbishop of Genoa in 1338 we learn that a certain Peter Armenian, a native of Greater Armenia who moved to the Ligurian city, personally went to Avignon "not without great struggles and dangers" because he was not certain of having received in his land of origin a proper Catholic baptism. Although he was ordained a priest in Armenia and had been preaching to the faithful and to schismatics for at least thirty years, he was re-baptized with reserve (*conditionaliter*), that is, according to the formula, "if you were not baptized, I will baptize you" (*si non es baptizatus ego te baptizo* . . .). The archbishop of Genoa would have subsequently had to grant him confirmation and promote him to the holy orders.[58]

Other times, by contrast, evidence relating to a more decisive anti-Latin orientation emerges from the papal registers. Again in 1338, after having listened to a few witnesses in Avignon, the pope ordered the bishop of Anagni to arrest a certain Athanasius who claimed to be a bishop of Verissa in Armenia, and who went about teaching various errors in the zone of Rome, armed with false letter of apostolic privilege. But above all, the supposed bishop was accused of persecuting Armenian Catholics in various ways, considering them traitors for having been baptized according to the Latin rite and forcing them to revoke their obedience to Rome.[59] Entirely analogous cases were recorded in Padua and in Florence, where two Armenians who maintained that they were the respective archbishop of Jerusalem and Nazareth and his vicar, were accused of the same crimes.[60]

58 *Communes*, 2: 102, no. 6297.

59 Ibid., 2: 118–9, no. 6430.

60 Ibid., 2: 119, nos. 6431–2.

Beyond such individual cases, the papal court paid increasing attention to the Armenian Church. In Armenia Major, as in Cilicia, various and diverse errors were being spread and taught. This news had reached and upset the Apostolic See during the pontificate of John XXII, as Benedict XII affirmed.[61] Between 1340 and 1341, Benedict XII was entrusted with an accusatory libel listing and describing 117 errors he believed to be spread among the Armenians and that contradicted the sacred scriptures, the general councils, and the doctrine of the Roman Church.[62] The primary author of the list was identified as a unitary friar named Nerses Balientz, the bishop of Urmia and a native of Greater Armenia whom we know was in Avignon beginning in 1338.[63] Excommunicated and incarcerated by the Catholicos Hakob II, he left Armenia to seek refuge in the papal stronghold, where he had led the pope to believe that he was the archbishop of Manazguerd.[64] The Franciscan Daniel of Tabriz provided information on him. This friar arrived in Avignon in 1341 as the legate of Leo V. On the request of the pope, he examined and disproved the libel before returning to the East.[65]

Alarmed by the content of the libel, Benedict decided to verify its reliability according to canonical procedures foreseen for cases of suspected heterodoxy, that is, by proceeding via inquisitorial methods. He opened a true inquest, listening to witnesses in Avignon who professed to know the religious context under examination well: Armenians such as Daniel of Tabriz, some of whom spontaneously presented themselves to the pontiff, but also Latins who had spent time in Armenia. Nor was there a lack of western theologians having no relations with Armenia or its Church, such as the Carmelite Guido Terreni,

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61 Tăutu, 119, no. 57.

62 Cf. Gill, *Byzantium and the Papacy*, 241–3; Tournebize, "Arménie;" Tournebize, "Les cent dix-sept accusations presentées à Benoît XII contre les Armeniens," *Revue de l'Orient Chrétien* 9 (1906): 163–81, 274–300, 352–70; "Benoît XII," *Dictionnaire de Théologie Catholique* (Paris: Letouzey et Ané, 1932), 11: 653–704.

63 *Die Ausgaben der Apostolischen Kammer unter Benedikt XII., Klemens VI. und Innocenz VI. (1335–1362)*, (ed.) Karl Heinrich Schäfer (Paderborn: Schöning, 1914), 2: 112, 138, 157, 198, 230, 262, 285.

64 Girolamo Golubovich, *Biblioteca bio-bibliografica della Terra Santa e dell'Oriente Francescano*, 5 vols. (Quaracchi: Collège Saint Bonaventure, 1906–27), 4: 338–9; Richard, *La papauté*, 210–4; Id., "Les Arméniens à Avignon au XIV^{e} siècle," *Revue des études arméniennes* 23 (1992): 257–9.

65 Daniel's refutations are contained in ms Paris, Bibliothèque nationale de France, lat. 3368, fols. 1r–58v, and edited in Daniel of Tabriz, *Responsio fratris Danielis ad errores impositos Hermenis*, in *Recueil des historiens des croisades, Documents arméniens*, 2 vols. (Paris: Imprimerie nationale, 1869), 2: 559–650; see Golubovich, *Biblioteca*, 4: 338–9.

who was present in Avignon in the years 1341–42. He examined the list of errors, opposing to each one of them his own refutation, which he included in his *Summa de haeresibus*.[66]

Following the proper enunciations foreseen by the inquisitorial process, the witnesses who reached Avignon spoke under oath. Their depositions were issued to the pope or to a cardinal, and were carefully recorded by an apostolic notary. To obviate the problem of language, they turned to interpreters who knew both Armenian and Latin well. Their translation work became all the more essential when various texts requiring immediate examination began to arrive in the curia.[67] Among these texts, we know that Daniel of Tabriz brought to Avignon a profession of faith by the Catholicos Hakob II and a liturgical book of the non-united Armenians translated into Latin. Daniel affirmed that all in all there were seven Armenian books in the curia, six of which were in the pope's hands.[68]

The results of the inquisition were soon presented to King Leo V and to the Catholicos Hakob II. Benedict XII communicated to their nuncios that witness depositions, together with examination of Armenian texts, had confirmed evidence of the spread in both Armenias of numerous errors contrary to Catholic faith.[69] This observation would have had serious consequences for the relations that tied the kingdom to the Apostolic See. The pope indeed refused to respond to requests for help against the infidel until such a time as these errors had been eradicated.[70] As we have already observed in connection to diplomatic exchanges between Avignon and Byzantium, obedience to the Roman Church was placed at the centre of its relations with Eastern Christians, where it appeared as an essential condition for aid to be granted in the war against the infidels. The context of semi-permanent war in which the Greeks and Armenians found themselves could not but serve as a platform for the pope's requests. In the case of the Armenians, however, Benedict XII intervened differently than he had with Barlaam's legation in

66 Guido Terreni, *Summa de haeresibus et earum confutationibus* (Paris, 1528), 29v–42v; see also Irene Bueno, "Guido Terreni at Avignon and the 'Heresies' of the Armenians," in *The Papacy and the Christian East: Intellectual Debates and Cross-Cultural Interactions, 1274–1439*, (ed.) I. Bueno, special issue of *Medieval Encounters*, 21.2–3 (2015), 169–89; and Ead., "Les erreurs des Orientaux chez Guido Terreni et Alvaro Pelagio," in *Guido Terreni, O. Carm. (†1342)*, (ed.) Alexander Fidora, Textes et Études du Moyen Âge (Barcelona: FIDEM, 2015), 241–68.

67 Tăutu, 119–20, no. 57.

68 Golubovich, *Biblioteca*, 4: 336–7.

69 Tăutu, 114–20, nos. 55–7.

70 Ibid., 114.

Avignon. If theological-doctrinal references were entirely absent in statements from his diplomatic meetings with the Basilian monk, the opening of a true inquest on the faith of the Armenians illustrated the pontiff's intention to penetrate into the heart of errors so as to eradicate them once and for all, at least on formal grounds. To this end, he made the content of these accusations reach the king and the Catholicos Hakob II, transmitting the libel containing 117 errors to them through Daniel of Tabriz.

He moreover ordered the two authorities to convoke as soon as possible a council in which the Armenian clergy would discuss and analyze all the errors, solemnly condemning them and taking measures to eradicate them in the name of obedience to the pope and to the Church of Rome. Benedict also hoped that the Armenian clergy would wish to equip itself with the essential theological and juridical foundations of the Latin Church, such as the writings of the Church Fathers, collections of decretals, and books of canon law. This local inquest was to follow the theories and procedures defined by the leaders of the Latin Church. Other copies of the libel were sent to Zacharias of Saint Thaddeus and to the archbishops of Sis, Tarsus, and Anavarza. In addition, Benedict promoted doctrinal debate between Latin and Armenian theologians and learned men, which would take place at the Apostolic See and in Armenia. He was certain that through shared deliberation the former would be better able to show the latter the way to truth.[71]

It is not necessary to dwell at this point on the 117 articles listed in the libel on Armenian faith. It suffices to recall that the accusations, which concerned doctrine as well as religious and ecclesiological practices, involved various critical topics, such as: the conception of the Trinity and of divine nature; the vision of Paradise, of Purgatory and of Hell; the nature of Original Sin, of grace and of the Resurrection; the nature of the Holy Spirit's procession; the understanding and practice of the sacraments; the theme of papal primacy; the alleged survival of practices like animal sacrifice; and, dislike of the Latin language. If the libel was not enough to disavow the orthodoxy of the Armenian Church in the eyes of the pope, Benedict XII nevertheless wanted the representatives of the Armenian clergy gathered in council to take a clear position on all of the articles it contained.[72]

Reactions to the accusatory document attest to a decisive apologetic effort toward defending the Armenian Church. As we revealed earlier, the Franciscan

71 Ibid., 114–8, nos. 55–6. Similar letters were sent the same day to the highest-ranking figures of the Armenian ecclesiastical hierarchy: Ibid., 119, no. 56.

72 Tournebize, "Les cent dix-sept accusations," 273–84.

Daniel of Tabriz handed the pope a meticulous response to each of the 117 errors in the list of heresies. We find a copy of them in the same manuscript that contains Hakob II's profession of faith, which was handed to Benedict XII in 1341.[73] This text was sent to the East where it was widely reused in the council that Benedict XII had requested and that did indeed gather at Sis in 1345.[74] On this occasion, some fifty Armenian prelates examined the accusatory libel with the goal of fulfilling, through the synod, the Apostolic See's conditions regarding the dubious orthodoxy attributed to their Church. The gathered prelates analyzed the list of errors in all of its aspects, proposing to separate "the truth of orthodox faith and of the sacraments of the Holy Church from the various false errors that had been attributed to them."[75] Benedict XII was unable to read the document they produced, which the same Daniel of Tabriz brought to him in 1345 and to his successor Clement VI at the beginning of 1346.[76] The text was meticulously conceived on the model of the accusatory libel. It amply reused the material contained in Daniel's *Responsio*, attenuating its tones and lengthening its narrative. The prelates gathered at Sis intended to remove all doubt regarding the orthodoxy and customs of the Armenian Church by countering and refuting every single accusation developed against them in previous years. The defense was largely centered on reassessing the exaggerations believed to permeate the libel of errors and falsities (*libellus errorum et falsitatum*). Although they admitted that the majority of the reported articles corresponded to actual practices and beliefs existing in Greater Armenia, they emphasized that these did not concern the official Church, which was perfectly in line with Roman orthodoxy.[77]

Though congratulating himself on the results obtained, Clement VI received this meticulous response with some hesitation. The opening of new inquests entrusted to various papal legates shows that the document produced at Sis was not enough to dispel all suspicions of heterodoxy. On the contrary, it increased the conviction that in Armenia there still remained "other very dangerous

73 Paris, BnF, lat. 3368, fols. 1r–58v; (ed.) Ch. Kohler in *Recueil des historiens des croisades. Documents arméniens*, 2: ccx–ccxviii, 559–650.

74 Tăutu, 160–229, no. 59. On the date of the council, see Mutafian, *L'Arménie du Levant*, 582–3.

75 Tăutu 161, no. 59.

76 Golubovich, *Biblioteca*, 4346.

77 Tournebize, "Les cent dix-sept accusations," 283–300, 352–70; Gill, *Byzantium and the Papacy*, 241–3.

errors" to be eradicated.[78] It was thus considered opportune to gather together within a new codex the entire dossier of texts related to the errors of the Armenians: a list of articles of Catholic faith proposed to the Armenians; the list of errors discovered in the acts of the Council of Sis; the same conciliar acts; a summary of the 117 errors; and, Guido Terreni's refutation of the errors of the Armenians, the Greeks and the Jacobites.[79] Promoted to the rank of archbishop of Bosra, Daniel of Tabriz once again brought the new documents to the East, where he arrived in 1347 carrying the letters of the pope, the *Decretum* by Gratian, the collection of papal decretals, and in all probability a copy of the aforementioned dossier.[80]

Innocent VI subsequently sent a new delegation to Armenia,[81] while a new council was opened in Sis in 1361. At the close of the fourteenth century, the religious context of Cilician Armenia was still characterized by the coexistence of anti-unionist components, and others who remained faithful to Roman obedience though keeping national customs alive, such as the Unitary Friars who promoted a more profound Latinization. In the meantime, military pressures threatened the very survival of the Kingdom of Cilicia, which after decades of attrition finished by succumbing to the Mamluks in 1375. The ruin of the Kingdom of Cilicia was certainly accelerated by the significant political isolation that disadvantaged the Armenian dominion during the course of the fourteenth century. Like the nearby Byzantine Empire, the kingdom found itself facing, without any help, incursions that jeopardized its borders. If the two Christian dominions had political solitude in common, the reasons for this isolation were different, and the course of action pursued by Benedict toward overseas territories has clearly illustrated how different causes could produce the same effect. While the Greek refusal to first unite with the Latin Church determined the decisive closure of the Apostolic See towards them, the pope and Catholic Armenian sovereigns engaged in an entirely different quality of diplomatic relating. Roman obedience in the Kingdom of Cilicia was the cause of Benedict XII's repeated initiatives aimed at assuring material support for the Armenian resistance to the infidels. The significant failure of this operation was not due to doctrinal or ecclesiological matters, but rather it mirrored the political paralysis of the Avignonese papacy, which was strictly dependent on

78 *Acta Clementis PP. VI* (*1342–1352*), (ed.) Aloysius Tăutu (Vatican City: Typis Poliglottis Vaticanis, 1960), 164–7, no. 105.

79 Paris, BnF 3365; see Golubovich, *Biblioteca*, 4: 351–2.

80 *Acta Clementis PP. VI*, (ed.) Tăutu, 164–7, no. 105 and p. 171, no. 107.

81 *Acta Innocentii PP. VI* (*1352–1362*), (ed.) Aloysius Tăutu (Vatican City: Typis Poliglottis Vaticanis, 1961), 37–9, no. 20.

the Kingdom of France and obstructed by tensions that Europe experienced at the dawn of the Hundred Years' War. The libel containing 117 Armenian errors thus did not have any real political consequences. Even before it reached the hands of Benedict XII, repeated appeals against the Saracen threat remained without an effective response.

Though he was unable to mobilize a real effort of Western Christianity against the infidels, Benedict XII did not neglect the purely doctrinal front of the overseas matter. He bet on the obedience and on recognition of papal primacy as a commodity for negotiating material support for the war against the infidels. On this front, too, the course of action of the Apostolic See proved to be a complete failure in the Byzantine and Armenian contexts. If, on the one hand, Barlaam's legation at Avignon did not bring about even a minimal advancement toward union of the two Churches, on the other hand, many facets of Armenian Christianity would co-exist until the fall of the kingdom. The differences in Benedict XII's responses to Christian schismatics and to Armenian Christians, who were formally subordinate to the Apostolic See despite the denunciation of numerous errors, must nevertheless be emphasized. The strict closure he showed toward the former contrasted with the more patient insistence he directed on many levels toward the latter through recourse to theological-doctrinal examination, the drafting of treatises, the promotion of council and diplomatic exchanges, and the circulation of men and texts throughout the Mediterranean.

11.4 The Universal Shepherd and the Conversion of the Tartars

While healing the schism remained a failed objective and Armenian Christians seemed to avoid full obedience to Rome, the whole of Christianity, Latin and Greek, also had to vie with non-Christian inhabitants of the Eastern parts. Saracens were not the only ones to rage along the coasts of the Mediterranean and to reclaim full possession of the Holy Land. From the early decades of the thirteenth century the devastating force of Mongol expansion ravaged the eastern borders of Christianity. The formidable army led by Genghis Khan reached, in the West, the borders of central Russia, of Mesopotamia, and of Georgia. His drive to expand did not stop until he died in 1227. Ten years later Mongol troops penetrated the plains of Eastern Europe. After having destroyed Kiev in 1240, the Tartars defeated the armies of Poland, of Hungary, and of Bohemia, reaching even so far as to threaten Vienna. It was precisely in 1242, when Gregory IX proclaimed a crusade against them, that the Mongols began to spontaneously retreat from the Danube area, but they did so without interrupting their

more southern advancement toward Armenia, Azerbaijan, Mesopotamia, Syria, and Egypt.[82]

The Tartar threat to the heart of Christianity was read as a manifestation of divine retribution and as a sign that the end of times was approaching. It thus increased apocalyptic-eschatological expectations. Yet, it simultaneously gave rise to the idea that there loomed an opportunity for renewal of the Church. Contact with pagan peoples itself constituted a stimulus to the undertaking of evangelizing missions to accelerate the arrival of the Kingdom of God. Beginning in the second half of the thirteenth century, the plan to convert Tartars assumed a growing reverberation in the attitude of the pope toward them. While missionary friars carried forward the work of evangelizing, in the West there loomed the hope of converting the four Khans who ruled the great Mongol dominions that came to be after the death of Genghis Khan.[83]

These expectations seemed to be realized on many occasions in the course of the thirteenth century, during which they were fomented by the baptisms of emperors, queens, noblemen, and legates, and supported by the penetration of missionaries into Mongol dominions. But if the Latins understood such openings as harbingers of a Christianization of the Mongols, they were most often read as a sign of military cooperation, seeking the alliance of Christians in order to overthrow the Mamluks—an alliance that would have certainly benefitted both parties against the common enemy, but that for the Apostolic See could not leave out of consideration the Christianization of the Mongols. The conversion of Il-Khan to Islam in 1295, however, should have again disappointed the hope Christians had placed in his conversion to Catholicism.[84]

Benedict XII did not mark a real turning point in relations of the Apostolic See with the Mongol Empire. He inherited the principal directives established by his predecessors, and he carried them forward in the name of continuity. In this phase, the protection of Catholic minorities in missionary lands represented one of the primary objectives of the legations he sent between Central Asia and the Far East. The situation of Christians subjected to Mongol domination was rendered particularly favourable by the *yasaq*, a unique law inspired

82 Denis Sinor, "The Mongols and Western Europe," in *A History of the Crusades*, (ed.) Kenneth Setton (Madison: University of Wisconsin Press, 1969–85), 3: 513–44; Peter Jackson, *The Mongols and the West, 1221–1410* (Harlow: Pearson Longman, 2005), 58–86.

83 Davide Bigalli, *I Tartari e l'Apocalisse. Ricerche sull'escatologia in Adamo Marsh e Ruggero Bacone*, (Florence: La Nuova Italia, 1971), 7–103. Felicitas Schmieder, *Europa und die Fremden. Die Mongolen im Urteil des Abendlandes vom 13. bis das 15. Jahrhundert* (Sigmaringen: Thorbecke, 1994); Jackson, *The Mongols and the West*, 138–53.

84 Jackson, *The Mongols and the West*, 165–95; Richard, *La papauté*, 63–120.

by toleration and respect for the rituals and religions of other peoples. Beyond the freedom of worship, however, lay the problem, in these regions, of strengthening the faith of believers through the support of adequate spiritual guides and of providing holy places in which to celebrate the sacraments. Moreover, it was necessary to consolidate the precarious as much as continuous missionary commitment levelled against infidels, recently converted pagans, and above all Mongol rulers.

At the beginning of 1338, a legation of the Great Khan reached Avignon. The long journey that brought the messenger Andrea Franco and his fifteen some escorts from Khanbalik to "beyond the seven seas, where the sun sets," inaugurated a series of diplomatic exchanges between Benedict XII and the courts of the Mongol emperors. The letter handed to the pope rendered explicit his intention to open the way to regular communication between the papal curia and the imperial court. As a sign of openness, the Great Khan invoked the pope's blessing and wished that he might pray for him and his subjects, among whom he mentioned, in particular, the Alans, who were Christian.[85] There is no doubt that the latter were promoters of the legation. The emperor's letter was accompanied by a letter to the pope from a few Alan princes in which they showed him the profound deference of faithful who had long been "imbued in Catholic faith." In this same letter, however, the princes lamented the spiritual solitude in which the Apostolic See had left Christians of the Far East. Eight years prior, the papal legate in charge of the cure of souls in their region died, and every request to send a worthy substitute had remained unheeded. By that time, the Great Khan had received apostolic nuncios with great honour and he had promised to return carrying the pope's responses, but since then no papal messengers had reached Khanbalik. The princes deplored the great shame (*magna verecundia*) of such lies (*mendacia*) and urged the pope to positively receive the Mongol emperor's requests for friendship. The favour of the latter would have indeed brought many advantages to the faithful and to the Catholic faith, while his indignation would have had terrible repercussions for his Christian subjects.[86] The attempt to elicit a favourable attitude from Genghis Khan toward Christian minorities constituted a central theme of the diplomatic exchanges maintained in those years between Avignon and Khanbalik.

In the face of the resentful supplication of the Alans, Benedict XII did not fail to mind their situation closely. He handed the visiting legates in Avignon a letter for "the emperor of emperors of all Tartars" (*imperator imperatorum*

85 BF, 6: 58, n. 1.

86 BF, 6: 58–9, n. 2.

omnium Tartarorum) in which he showed himself to be willing to maintain regular diplomatic exchanges with the Mongol crown. The pope did not hesitate to make himself an interpreter of the Alans' requests to the Great Khan. Benedict exhorted him to maintain a benevolent attitude toward Christians in his kingdom and implored him to authorize preaching and the construction of churches, basilicas and oratories in which they could celebrate the sacraments according to the Latin rite. His call for the protection of Christians subject to Mongol domination constituted a central theme of the letters Benedict sent to the Great Khan. There is, however, another topic mentioned in the letter to the emperor that had undergirded relations between the Apostolic See and Mongol sovereigns in an increasingly pronounced way since the second half of the thirteenth century: the Great Khan's conversion. Although the pope intended above all to secure the Tartars' profession of Catholic faith, Benedict XII declared that he would continue to pray until God illuminated the soul of their sovereign.[87]

Benedict's requests to the court of the Great Khan were also repeated to Christian princes. The pope recommended that they protect the faithful subject to the emperor and undertake to construct sacred buildings.[88] These were Benedict's privileged interlocutors in the empire of the Great Khan. This is reaffirmed in a second letter written for them in the same period that consisted of a meticulous exposition of the articles of faith meant to educate them in doctrine and to strengthen in them obedience to the Roman Church. To the Alans, who had lamented the absence a spiritual guide, the pope enumerated the cornerstones of Catholic doctrine. In this document, the pope presented himself as the universal shepherd (*pastor universalis*) whose authority extended to the Lord's entire flock by reason of the sacrifice with which Christ had redeemed all of humanity. It is significant that Benedict XII chose this logical and rhetorical device to present his own authority to a Christian minority in missionary lands, emphasizing his aspiration to expand Christianity, and the universality of a message that radiated from the heart of the Avignonese stronghold beyond the borders of the Christian West to reach the most remote regions of the Levant. Following an excursus on the Trinity and the ascension of Christ, on the sacraments, and on the recently defined doctrine of the beatific vision, Benedict dwelt on the superiority of the Roman Church and on the *plenitudo potestatis* of Peter's successor: the apostleship in the eastern lands should be carried out fully in the name of obedience to Rome.[89] Benedict XII

87 BF, 6: 58, no. 88. Richard, *La papauté*, 153, n. 109.

88 BF, 6: 58–9, no. 89.

89 Tăutu, 44–8, no. 25.

would present himself again as the universal shepherd in a letter sent in 1340 to all bishops, archbishops, abbots, ministers, and friars present in the Mongol Empire, whom he exhorted to persevere in carrying forward the evangelizing mission "among foreign peoples."[90]

Upon returning to the East, the legation would have handed Benedict XII's missives to the other khans too. Documents such as these illustrate the coherent program pursued by the Apostolic See in expanding the Christian faith in eastern lands. While Franciscan and Dominican missionaries continued the work of evangelizing, the pope attempted to strengthen a tenuous ecclesiastical organization through the creation of new dioceses, through the founding of churches, and through urging Mongol authorities to permit the preaching of Christian faith and to protect the faithful. In June 1338, Benedict thanked Čanksi, the khan of Djaghataï, for the goodwill he had shown toward Christians. Although his predecessor had embraced Islam, Čanksi had a rather favourable attitude toward them, granting them favours and privileges. The pope was especially grateful for the welcome that the khan had reserved for the archbishop of Khanbalik and a few friars minor that John XXII had sent to Central Asia. He had extended his hand to them, authorizing them to preach, to repair churches that had been destroyed, and to erect new ones.[91]

The same diplomatic course of action inspired a letter to Usbech, the khan of Golden Horde, in which Benedict XII expressed his profound gratitude for having granted a fit location for the friars minor of the city of Saraï.[92] As we have observed regarding the letter sent to the Great Khan, next to the most immediate need to protect Christians and to support the apostleship of missionaries, the pope once again also expressed his desire to convert the Mongol emperors. The topic of conversion concludes the letters sent to Čanksi and to Usbech. Repeating the same formula in both, the pope declared to the one and to the other that he wanted to receive their nuncios and to send them his own so as to show the two emperors the path to salvation.[93] A centuries-old experience of evangelizing pagan peoples at the frontiers of the Christian West

90 BF, 6: 79–80, no. 127.

91 BF, 6: 59–60, no. 90. On the creation of the archiepiscopate of Khanbalik and the origin of a missionary episcopate, Richard, *La papauté*, 122–66. Together with Khan Čanksi, the pope also thanked his *familiares* for having granted the Franciscan bishop of Almaligh a plot of land on which to erect a church, Mollat-Vidal, 542, no. 1867; BF 6: 60, n. 1.

92 BF, 6: 60, no. 91.

93 BF, 6: 60, nos. 90 and 91. The nuncios of the Great Khan would have soon begun the trip to Avignon, as illustrated by the safe-conduct of 19 June 1338 (Mollat-Vidal, 543, no. 1870); the pope also recommended them to the king of Sicily, of Hungary and the doge of Venice (Mollat-Vidal, 543–4, nos. 1871–3).

had taught that no population had been converted without the prior conversion of their prince.[94]

Benedict kept his word. By the following autumn he had already organized the departure of a legation toward the Mongol Empire. The mission was entrusted to four friars Minor, who were accompanied by some fifty men. Well-equipped and endowed with 1500 gold florins, they departed Avignon at the beginning of 1338 to be solemnly received in Khanbalik three years later. The pope entrusted the four friars with the rank of papal legate and the brothers who accompanied them with the task of attracting non-believers to the faith through preaching and the example of works, certain that the land cultivated by their sermons and watered by divine grace would yield rich harvests. In addition, given the weak presence of an ecclesiastical hierarchy in those regions, Benedict granted the legates and the friars who traveled with them permission to celebrate mass and the sacraments, to hear confessions, and to impose penance. He repaid their commitment with the indulgence normally reserved to crusaders departing for the Holy Land.[95] In support of their evangelizing mission, the pope additionally furnished them with a meticulous exposition of orthodox faith.[96]

Equipped with safe-conduct,[97] the legation would have reached Cathay by passing through the Golden Horde, as Benedict XII's letters presenting and recommending the friars indicate. With these letters, he solicited their protection and he authorized them to preach freely in the regions through which they passed. He specifically addressed: the khan of Golden Horde, Usbech, and his first-born Tynybech; the friar minor Elias of Hungary; the Great Khan; the archbishop of Khanbalik; and, Alan princes of Christian faith.[98] After meeting the Mongol nuncios in Naples, the legation stopped for approximately two months in Constantinople. From there, they sailed across the Black Sea in the direction of Golden Horde.

Most legates reached the *medium imperium*, whose western borders extended toward Hungary and Poland. They continued on their journey to Cathay from there. The pope was informed of their sojourn in the capital of Golden Horde by a new legation that Usbech sent to Avignon after their arrival. The emperor's nuncios—two Catholic men of noble extraction—reached the curia in 1340 accompanied by the nuncio of Prince Tynybech, Friar Elias of

94 Richard, *La papauté*, 3–16.

95 BF 6: 62–3, no. 96.

96 Mollat-Vidal, 605, no. 2050.

97 Ibid., 609, no. 2074.

98 BF. 6: 63–6, nos. 97–8.

Hungary.[99] The pope was pleased to learn that the khan had showed profound reverence for the Apostolic See. He additionally learned that his own legates had arrived in Almaligh, where they received a very fine welcome from the emperor Usbech, who furnished them with all the necessities and reimbursed their travel costs. It seems that all of the pope's requests were granted. The khan treated Christians favourably. He took measures to construct and to repair churches and other buildings destined for religious use. He authorized friars to preach and to administer the sacraments.

In contrast to this positive news, however, Benedict XII was informed that someone had recently made an attempt on the khan's life by setting his palace on fire during the night and then blaming Christians for the failed crime. Usbech however rejected these accusations as false and slanderous. The event was rich in dangerous implications, revealing the presence of groups hostile to Christians who resided in the Khanate of Djaghataï and who were prepared to exploit the plot against an emperor who had demonstrated goodwill toward these minorities in various ways. A changing of the guard would have had dramatic repercussions for the faithful in the khanate, and would have halted expansion of the faith. Not being able to intervene in anyway in the internal political vicissitudes of the Mongol Empire, Benedict XII attempted with even greater insistence than two years earlier to bring about the conversion of the khan. Facing internal dynamics entirely beyond his control, the pope identified as his only possible response to hope that the good deeds already performed by Usbech might also inspire the khan, and that the failed attempt on his life might lead him to reflect on the brevity and uncertainty of human life, igniting in him the desire for eternity and leading him to receive the truth of Roman faith.[100] At the same time the pope addressed the empress Taydola, who stood out for having treated her Christian subjects with benevolence and kindness. He also wished to elicit her conversion and that of her husband. He hoped that their son Tynybech would listen to the exhortations of Friar Elias.[101] The conversion of the prince could have profound implications for the spread of Christian faith in lands subject to the Mongols. This was illustrated in the negative by the subsequent unfolding of events. Contrary to the pope's wishes, the new khan who ascended the throne shortly thereafter, upon the death of Usbech, was hostile to Christians.

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99 The nuncios would have departed again in the direction of Almaligh in 1340 under safe-conduct: Ibid., 82, no. 2860.

100 BF, 6: 77–8, no. 124.

101 BF, nos. 125–6.

After having learned of the news, the pope's legates were forced to depart Almaligh for distant Cathay, where the Great Khan kept them for many years at his own court.[102] Vivid recollections of this mission in Tartar lands survive in the travel memoirs of John of Marignolli, who recorded the eventful displacements of the Florentine friar through Eastern China, Malabar, India, Ceylon, the Kingdom of Saba, and his return to the West passing through Baghdad, Mosul, Aleppo, Damascus, and Jerusalem. When the friar returned to Avignon in 1353, Innocent VI welcomed him, and he handed the pope a letter from the Great Khan.[103]

Against the backdrop of the rapidly expanding Islamic threat and of an international situation that blocked the organization of a crusade and the mobilization of armed forces, Benedict XII could not refrain from putting the diplomatic workings of the Apostolic See into motion. He sent legations to the most remote lands of the Far East with the goal of strengthening the friendly relations between the Apostolic See and Mongol rulers that were essential for ensuring Catholic minorities the free profession of faith. While papal legations obtained successes on this front, however temporary, in securing Christians the granting of favours and privileges, other plans of the Apostolic See failed substantially. The pope's insistent requests for a consolidation of the ecclesiastical hierarchy in eastern regions were actually ignored. Benedict XII replied to the Alans' appeal by sending a legation to Khanbalik, but the latter could certainly not compensate for a structural lacuna of the ecclesiastical presence in the Levant. His call for the conversion of Mongol emperors seemed to respond to the norms of rhetoric rather than being based on a realistic possibility. If it is true that the conditions were not there for actually fulfilling such a plan, it must nevertheless be emphasized that the latter derived principally from the strategic requirements of the Apostolic See. Faced with the growing threat of Saracens in the eastern Mediterranean the pope explored the possibilities of entrusting the defense of Christian lands to a new potential ally, but the failed conversion of Mongol emperors blocked the actual possibility of a military agreement to oppose Islam. If nothing else, the building of expanded diplomatic relations with Mongol sovereigns functioned to safeguard the eastern borders of Europe, protecting the kingdoms of Hungary, Poland, and Bohemia from Tartar expansion. Benedict XII indeed asked Usbech to desist in exerting pressure on Hungarian and Polish borders, where there had been altercations, wars, killing and pillaging.[104] At the same time, he defended Christian

102 Cf. BF 6: 77, n. 1.

103 Richard, *La papauté*, 153–4, with the bibliography in n. 111 on p. 153.

104 BF 6: 77–8, no. 24.

kingdoms against the advance of infidels. He granted the king of Poland and his men the indulgence normally reserved for crusaders in the Holy Land for their resistance against the Tartars.[105] He simultaneously authorized the archbishop Gniezno and the bishops of Krakow and Breslau to preach the crusade.[106] The Papacy organized different courses of action for different contexts, alternating the building of expanded diplomatic relations with attempts to convert and with the promotion of holy war. While the immense territory ruled by the four khans could not but escape the control of the Apostolic See, the safeguarding of Catholic kingdoms of Eastern Europe from the pressure Mongols exerted along their borders constituted a more realistic objective, attesting the Papacy's withdrawal into a Christianity actually limited to Europe.[107]

105 *Communes*, 2: 280, no. 8123.

106 Ibid., 2: 280, nos. 8124–5.

107 Agostino Paravicini Bagliani, *Il trono di Pietro. L'universalità del papato da Alessandro III a Bonifacio VIII* (Rome: La Nuova Italia scientifica, 1996), 243.

Conclusions

On 17 May 1340, while he lay sick in his bedroom at the new tower, Benedict XII summoned several cardinals, some dignitaries connected with the curia, and some notaries, so that they could bear witness to his statements, uttered in public. Though physically impaired, the pope had full control over his mental capacities. He remarked that on many instances, both before and after his accession to the papacy, he had spoken on matters related to faith and Holy Scripture, engaging in theological disputes, preaching, authoring treatises in different places and times. He went on to declare solemnly that if by error, ignorance, negligence, or human imperfection he had ever uttered or written statements in contradiction with Holy Scripture, the Catholic faith, the Roman Church's morals or doctrine, he *ipso facto* withdrew them all submitting them to judgment and amendment by the Holy See and his own successors. An almost identical decree of withdrawal was also issued on 23 April 1342, just two days before the pope's death.[1]

The rejection of any errors inadvertently spoken or written thus concluded the life of the Cistercian pope, excluding from any possible debate the idea of the pontiff's total orthodoxy. Jacques Fournier intended to pre-empt any posthumous discussion among his detractors, reserving any judgment on himself and his writings to future pontiffs. Research has shown that judgment on the Cistercian pope was severe, at times. The Franciscan Minors, protected by Louis of Bavaria levied charges of heresy against him: though John XXII was the main target of fierce propaganda against Avignon, the campaign turned also against Benedict XII who became the target of polemical writings, such as William of Ockham's *Contra Benedictum*. In the ferment of the imperial court, some aggressive intellectuals labeled Fournier as "seducer of the faithful," "heretic," "heresiarch," "pseudo-Christ" or "destroyer of the faith."[2] Whether or not he had in mind such interlocutors, Benedict XII wanted to protect his own image and his own memory, while at the same time preserving the dignity of the institution which he headed. By the same token, he pointed unequivocally to the sole authorities who were authorized to judge a pope: certainly not a handful of rebels, but the Apostolic See and future pontiffs exclusively. In other words, the label of 'heretic' could not be used for any sort of unseating

1 Mollat-Vidal, 40–1, no. 2767 and 221–2, no. 3274.

2 Clément Schmitt, *Un Pape réformateur et un défenseur de l'unité de l'Eglise. Benoît XII et l'ordre des Frères Mineurs (1334–1342)* (Quaracchi: Collegio di S. Bonaventura, 1959), 260.

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or inversion of roles: the head of the Church was the ultimate custodian and guarantor of orthodoxy.

The final preventive repeal by Jacques Fournier brings to an end quite significantly our journey through theories and practices of religious exclusion in the first half of the fourteenth century, showing once again the interrelation among biographical trajectories, intellectual evolutions, and methods of legitimization of an institution, the Roman Church. Such an intertwined set of relationships begs the unavoidable question of how a personal experience interacts with the cultural and political entities within which it is set, and how individual choices are an expression of collective strains. Jacques Fournier's case allows us to grasp not so much the expressions of a personal psychology, but rather his ability to assimilate systems and rules at his disposal in order to arrive at practical and intellectual choices. The frameworks of reference within which his antiheretical efforts took shape emerge on different levels: in the rules of the *processus inquisitionis* and in the contribution to antiheretical treatises, in the developments of biblical studies in the late-scholastic period, in the representational systems and in the diplomatic strategies of the fourteenth-century papacy. Yet, the interaction with pre-existing schemes has no constrictive value, giving way to the actors' own strategies and individual interpretations.

Jacques Fournier's career to the very top of the Church has proven to be a privileged access path to understand the systems of religious exclusion in the West towards the end of the Middle Ages. Reconstructing some aspects of his biography and of his production in writing—hitherto overlooked and never studied in an integrated fashion—represents the first specific contribution of this work. The cross-referenced survey of the various writings by the Cistercian pope has been essential for a study that shifted the viewing angle from the religious and social universe of heretics to the criteria and mechanisms used to identify heresy in the Avignon context. In particular, works of exegesis and the letters by Fournier's papal chancery have made it possible to reread from different viewpoints even the best known records of the Montaillou trials. In the light of these documents, the orthodox discourse on heresy has revealed itself in the complexity of its theological, legal and political meanings. Such contexts are only apparently unrelated: on the contrary, Jacques Fournier's career runs across them diagonally, allowing for a close observation of the links among theological elaborations, repressive methods, and self-legitimizing aims in the Avignon era.

In light of the contexts that have been observed, it has been possible to glean the salient traits of a protagonist who was perfectly tuned to contemporary practices, but who interpreted them in an original fashion. Fournier's

appropriation of tradition and its rules comes to the surface first of all in the Pamiers inquiries: they are rooted in the transmission of a consolidated inquisitorial experience of which he adopts the procedural apparatus, and the investigative and interpretative criteria. Nonetheless, the records of the Cistercian bishop reveal unparalleled documentary potential: these records allow such space to the religious doubt and daily life of the accused as to suggest a certain broadening of the heretical paradigm. Fournier's exegetical works are equally suspended between the contributions of thirteenth century biblical studies and the uniqueness of the results achieved: indeed, the structure of the texts, and the use of sources keep clear of scholastic commentaries, endowing the *Postilla super Matheum* with the characteristics of a coherent and monumental theological treatise, in which the problem of heresy is thoroughly probed. Lastly, the present examination of Benedict XII's pontificate sets out even more vividly the tension between the rules of an institution and the initiative of those who move within it. The third pontiff of Avignon portrays a papacy in crisis, no longer able to keep up thirteenth century hierocratic claims, a papacy hindered by the conflicts that divided the Christian West. His measures against heretics, schismatics and infidels adhere closely to evolving expectations and contexts, testing exegetic categories that are often misleading, such as those of continuity and breach, tradition and change.

The varying scales of analysis and chronological, geographical, and documentary contexts that have been examined have conferred greater substance to our outlook on the fight against heretics in the Late Middle Ages. This forces some observations on what we are able to understand of heresy and of the ways to describe it through the combined investigation of legal, theological, and political perspectives. What sort of history are we able to come up with, if we trace the links among these different issues in the drive against heresy? What sort of dialogue is there between the different levels? What is the resulting perception of heretics?

The involution of the heresy of Good Men in the course of the thirteenth century did not reduce the perception of the heretical phenomenon as a dangerous disease that insinuated itself among the faithful, in order to fatally corrupt the limbs of the *societas christiana*. The concern with what is perceived as a ubiquitously pervasive threat is still alive and deep-felt in the first half of the fourteenth century; it features new elaborations in that workshop of theological thinking represented by the curia in Avignon. Heretics seem to threaten the Kingdom of France and the city of Avignon, they spread in the cities of Italy, they erode the Catholic faith and the obedience to Rome in Germany, shielded by an emperor who has usurped his title, and they infiltrate the outskirts of the Christian world. If we broaden the horizons under observation, the complex

religious makeup of the Mediterranean region appears to dispute the universal ambitions of the Church of Rome: Saracen ships plough the seas, and the Holy Land has fallen irreparably into the infidels' hands, whilst Christendom is split by irreconcilable fractures between East and West. The Kingdom of Armenia, the last formally Catholic stronghold, wavers in its obedience to Rome and, further East, the Christian message struggles to sway the religious sentiment of the Mongol rulers. Despite its universal ambitions, the Church of Rome extends its spiritual domain over a quite limited area by now; in point of fact, it is confined to Western Europe. In the citadel of Avignon, the consolidation of papal authority is sustained ever more by the repression of heretics.

Yet who are the heretics? As a concept that can be applied to the most disparate contexts, heresy brings together within the same semantic area: the so-called Manichaeans, Waldensians, friars of strict observance, thinkers who challenge the pope's *plenitudo potestatis*, political enemies, adulterers and homosexuals, men and women who worship the devil and practice sorcery, who do not pay their tithes, mock the clergy or cast doubt on the sacraments. Such an inexhaustible insurgence of heresy took on countless profiles. Regardless of the distinctive traits of heretics in specific occurrences in place and time, the contrast between unity and fracture synthesizes the clash between orthodoxy and heterodoxy. There is only one Church, one doctrine, one hierarchy that is authorized to teach and defend that doctrine. The proliferation of heresy is manifested by the breach of such unity, by the plurality of teachings, by the emergence of contrasting opinions and dissenting behaviors. These categories allowed one to equate the new heretics of the Avignon era with those of antiquity, all of whom are guilty of pitching a multifaceted falsehood against the one and only truth.

By means of biblical exegesis, the foundations of this contrast are firmly fastened to Holy Scripture: therefore, the interpreters of the Bible are able to extract the causes of the heretical malaise, and the heretics' specific traits. The clash between the heretics and the *doctores catholici* is as straightforward as it is peremptory, nourished by the collision of opposite values such as good and evil, truth and falsehood, justice and error, salvation and damnation. At this point the whole body of clergy is charged with the crucial task of identifying and destroying the malignant plants, preventing them from growing and branching out. However, it is difficult to recognize them, given that the heretics skillfully disguise their own identity. Hence, it becomes essential to be able to recognize those signals that are more likely indicative of heresy: just like the fruits from a tree, words and actions represent the main object that both the Church teachers and the inquisitorial judges can identify as manifest expressions of error. The uncovering of 'heretical deeds' constitutes therefore

the layout of the inquisitorial questionnaire, whilst the reading of the Gospels bears out the concurrence between inner tension and outward manifestations of faith. Biblical exegesis and inquisitorial procedure show therefore important points of contact, as they both identify in the *operatio* the preferred means to arrive at the *forma*, highlighting at the same time the pivotal function of behavior in ascertaining heresy. On these theoretical premises, the way is open for the inclusion within the ambit of heresy of any deviant or dissident behavior. Disobedience hence becomes a key factor in defining the contours of heterodoxy, one which opens the way to the marginalization of all those who refuse the institutional, social, and moral order of the Church. In this perspective, rebels, detractors of the ecclesiastical hierarchy, and personal enemies of the pope are unavoidably subject to being associated with the broad semantic area of heresy.

In spite of these unifying features, the multifaceted structure of religious dissent demands diversified responses. Every geopolitical, cultural and Church related context requires a reassessment of strategies which are tailored to the contingent needs. Benedict XII's letters show conscious shifting among friendly diplomatic relations, preemptory calls to obedience, appeals for peace or holy war, invitations to reconciliation, overtures or sudden closures to theological debate. The policy lines adopted by papal diplomacy change time after time in accordance with the relations held with the Christians of the East, the Mongol emperors, the Catholic kings, or the envoys of Louis of Bavaria. Even the inquisitors turn out to be at times faithful allies worthy of support, at times fierce opportunists against whom bishops and papal envoys must be activated, alternating decisions of centralized and decentralized authority. Keeping under control the abuse of power and keeping in check the conflicts with other centers of power is a key passage in order to restore the efficiency and purity of intentions which must typify tribunals of faith.

While the ecclesiastical judges set in place consolidated methods for the repression of heretics, biblical studies endeavored to find elsewhere in space and time the foundations for a strenuous battle to defend the faith. The mechanisms that underpin the representation of heresy are worked out simultaneously—and ultimately with analogous results—both in the inquisitorial tribunals and in the hubs of theological debate such as the curia of Avignon. Indeed, delving into the characters of all heresies in light of the Gospel, Fournier ends up formulating a theoretical justification for the inquisitorial investigation and for the defence of orthodoxy in the whole *orbis christianus* by the papacy. While he adapted diplomatic strategies and judicial procedures to the contingent needs and to the variable profiles of heretics, schismatics,

and infidels, he held in his mind this model firmly rooted in the interpretation of the holy text.

It is necessary to keep in mind the complexity of this model when looking at the ways of defining heresy towards the end of the Middle Ages. Starting from the experience of a bishop-inquisitor who became theologian to the curia and then pope, it has been possible to focus on strategies and means of exclusion worked out in the era of Avignon. This has been achieved by observing closely the logical steps, the opportunities and the protagonists involved, at times in quite local contexts, at times in the central body of the Church of Rome, the papal court. The experiment becomes even more exciting to the extent that heresy as such was observed through quite different sets of lenses which were anachronistically overlapped on one another: the lenses of patristic authors, those of medieval controversialists, those of fourteenth century inquisitors or theologians summoned to develop fresh arguments at the papal court. And it is precisely within the context of Avignon, driven by a papacy by now transplanted away from Rome and in search of a new identity and legitimization, that the exclusion of religious dissent finds new and significant developments.

In more general terms, asking the question of how the boundaries of heresy are perceived and redesigned in the perspective of Jacques Fournier, has meant questioning one's own ideas on some central aspects of the debate on religious and social exclusion in the medieval West: the basic motivations of a 'persecuting society' and the peculiar feature they acquired in the fourteenth century; the relationships between knowledge and power, between authority and textuality in the determination of religious exclusion; the complementary link between claims of identity and discrimination against others—or, in the words of Michel de Certeau, "the unstable balance of a society which always defines itself through the manner of excluding its contrary."[3] Within the scope of these considerations the documents examined have also allowed an empirical test of the usefulness of deconstructionist approaches to the study of medieval heresies. This study is fully aware of the stimulus they have produced for a renewed study of the sources. And it is precisely in the sources and in the plurality of the judicial, intellectual, and political contexts that they shed light on that I have searched for the specific way in which the boundaries of heterodoxy were redesigned on each occasion. While inspired by deconstructionism, this study has eventually turned towards a constructionist avenue: one aimed at detecting, in empirical fashion what it meant, in all the different circumstances, to 'define' heresy at the end of the Middle Ages.

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